

FREE THOUGHTS

2285
7

Rec May 1, 1846
Bought with the Present Sequel
ON THE
AMERICAN CONTEST.

By
James Anderson

Though Law is fallible, yet Law should sway.

SALUS POPULI SUPREMA LEX EST.

*This writer takes the Government side
of the question & concludes with some
severe strictures on "Common Sense".*

EDINBURGH:

Printed in the Year M,DCC,LXXVI.

6373/0
 1782
 A D V E R T I S E M E N T.

THE following Observations were communicated to the Publisher of the EDINBURGH WEEKLY MAGAZINE, in a series of letters, under the signature of TIMOLEON. They appeared to him of so much importance as to deserve to be printed by themselves, which he did in the following form, without having had an opportunity of submitting them to the correction of the author; so that they appear with all the inaccuracies that must of necessity attend a periodical publication.

As the few copies printed off are only intended to be given to particular friends of the Publisher, or of the Author, if he shall chuse to call for them, it is hoped they will attribute to the above circumstance the numerous typographical errors they will meet with.

If the Publisher had foreseen the whole plan of the work before it was thrown off, it might have been printed in a more agreeable form. He has now endeavoured to correct that by a table of Contents, arranged nearly in the form that he imagines the pamphlet might have borne.

G O N T E N T S.

PART FIRST, CONTAINING,

Preliminary observations—General observations on the real cause of the discontents of the Americans,
 Of Natural Liberty,
 Of Representation,
 Of Political Freedom—and the Constitution,
 Of Colonies and Colonization,

PART SECOND, CONTAINING,

A particular Examination of the several Arguments that have been adduced in favour of the Americans,
 Inquiry, What would be the consequences to America itself should they succeed in their present contest?
 Of the nature of the American Trade,

POSTSCRIPT, CONTAINING,

Remarks on the American Pamphlet, intitled *Common Sense*,

FREE THOUGHTS ON THE AMERICAN CONTEST.

OF all the privileges of Great Britain, none deserves to be more highly prized than the liberty of the press. A privilege that no nation ever enjoyed in such an eminent degree, and ought with justice to be deemed the *palladium* of the state. So long as the first servants of the crown can be insulted to their face in the British senate, and accused of imaginary crimes; while the throne can be besieged with threatening remonstrants, and the best of princes loaded with unmerited abuse; the worthy member of the state may sometimes feel a little indignant warmth at the scurrility of the one, or blush for the petulant folly of the other; but, like the amiable Greek who restored liberty to an expiring state, he will experience a conscious satisfaction in feeling that he is a subject of that state where these things can be permitted, and will not cease to bless the memory of those who have procured this invaluable privilege for him, and to exert himself to the utmost of his power to transmit it unimpaired to his posterity. Let not those, therefore, who meet with sentiments, reasons, and opinions boldly advanced by others which they think contrary to reason, be too highly offended, or wish to restrain them from publishing these to the world, because of the ill that they apprehend may result from them. Where liberty of debate is allowed, reason and good sense will always at last obtain the ascendancy. Truth may be for a time obscured, but will at length burst forth with irresistible power and splendor.—Integrity may be branded with the name of falsehood, and insidious cunning and hypocrisy mistaken for wisdom and political abilities; but, in these circumstances, the mask will soon be torn off, and each will stand forth confessed to all the world in his own native colours.

Never, perhaps, was the freedom of debate or liberty of the press carried to greater heights than at this moment in Britain. It is glorious for the prince under whose auspices this has rather been encouraged than prevented; it is glorious for the ministers by whom it has been so patiently borne with: but as the purity of gold can never be ascertained till it has passed through the

furnace, so the merit of the good can only be discovered by the closest examination. Truth wishes not for concealment: it is only error, or conscious guilt, that endeavour to shun the contest of reason. Let us, on this side the Atlantic, debate with freedom. Let us, slaves to the mandates of an imperious minister and guilty court, exercise our reason, and improve ourselves in the attainment of knowledge; but it is not fit that the sons of *freedom* on the other side the Atlantic, should be allowed to entertain a sentiment, or utter a thought that is inconsistent with the views of that most worthy and most illustrious *aristocracy* (I do not mistake the word) by whom they are led about at pleasure. Who, that perceives this, does not blush at the simplicity of such a number of his fellow-subjects?

On these principles, I have been well pleased to see so many of my countrymen exercise their ingenuity on the American contest; and although I have sometimes differed in opinion from them, yet I have not perused their lucubrations with less ardour, nor entertain the worse opinion of them on that account. In a speculative point of such importance as this is, the subject must present itself in many different points of view to different persons, and the same arguments will make different impressions, according to the temper and constitution of those to whom they are addressed. It is, therefore, fit that every person who finds himself impressed strongly with sentiments on that head different from others, should communicate them to the public, if it can be done with temper and discretion. I had not, myself, any propensity to take up the pen on this subject till I saw the performance of Urbanus, in the *Weekly Magazine*, Vol. xxxi. Page 385, which has suggested some reflections I now submit to public inspection.—I have had the pleasure hitherto seldom to differ in opinion from that worthy correspondent, and if we chance now to view the same object in different lights, I hope it will produce no other bad effects than a little good-humoured argumentation,—on my part I think it never can go farther.

It would seem that Urbanus is but lit-

the acquainted with the history, trade, or political views of the American colonies; nor is it very surprising that this should be the case with him, as well as a very great majority of the inhabitants of Britain; for as the transactions of an infant state are of little importance to any but those immediately concerned in them, it is only of late that our friends on the other side of the Atlantic have obtained our attention in any considerable degree: and as no historian of eminence has yet collected these into one consistent body, those who wish to be instructed in this particular branch of knowledge have nothing to direct them but an inaccurate superficial narrative compiled by one Wynore, or the records of parliament, private memorials, petitions of merchants, reports of the board of trade, and other detached materials, which can only be met with by accident in a general course of reading.

From this circumstance it happens, that numbers of people, whose attention is now called to American affairs, have been induced to adopt implicitly the view of facts relating to that country held out in the declaration of the American congress, and the speeches of popular members in both houses of parliament. The former of these is perhaps the most barefaced collection of falsehoods throughout that was ever attempted to be imposed on the credulity of mankind, by a body of men who ought at least to have had some regard to decency; and every one, in the least versant in political disputes, knows what degree of faith ought to be given to the latter.

To such therefore as are disposed to enter warmly into the merits of this grand contest, I would above all recommend diffidence in their opinions as to facts, till their reading is so extensive as to make them certain they cannot be mistaken in this particular,—in which they will be somewhat assisted by a pamphlet lately published under the title of “The rights of Great Britain asserted against the claims of America*”; but as the author of that pamphlet necessarily confined himself to a very narrow field, he had not an opportunity of tracing the progress of that spirit of independence that now shows itself, nor of pointing

out the nature of the commerce, or manufactures carried on in these colonies, and their effects with regard to Britain and the colonies themselves; without a thorough knowledge of which, it is impossible for any one to form a tolerable opinion of the *political expediency* of those measures that form the *ostensible* reasons of the present opposition of the Americans.

I repeat it again—*ostensible* reasons, for they are indeed mere novices in American politics who do not know that the tax upon tea, or the power of levying any other tax by the legislature of Great Britain, is not the *real* cause of that flame which is now raging with such fury in that continent. The *primary* cause of all their grievances is one that they knew they dared not to avow, as it would have shocked in such a high degree the prejudices of the whole inhabitants of Britain. It is nothing less than the *act of navigation*, that palladium, as it is justly called, of the British commerce, which they wish to get abolished. This is a yoke about the necks of the northern colonists that they have worn with the greatest reluctance from their first settlement there, and have made many indirect attempts to free themselves from it for more than a century backwards, and have on some occasions even openly violated it—to the great prejudice of the parent state: and as they have of late perceived that the nation has been disposed to see an obedience to that act more strictly enforced than ever, they have exerted their genius to the utmost to discover some pretext by which they might be able to blindfold the other colonists, and get them to assist them in a general resistance to the parent state, hoping that in the struggle for general independence, they might get themselves emancipated from this grievance, along with others of less popular favour to the inhabitants of Great Britain.

They have at length hit upon a popular topic—a topic that must ever be popular in a free state, A preservation of the liberties of individuals. The body of a nation are always hurried away more violently by prejudices than by sound reason. In the rage for liberty especially, mankind are apt to be imposed on by any thing that has the most distant appearance of argument, and it is not till it is too late that they discover

* Said to be written by Lord George Germaine.

their error. More nations have been enslaved by themselves, in pursuing what they deemed the only road to freedom, than ever were reduced to thralldom by the sword of a conqueror.

The Americans seem to be fully sensible of the use that may be made of this foible of human nature; by means of it, they have been enabled to unite into one temporary confederacy, a number of states whose dispositions are totally different—whose political interests are altogether dissimilar, and whose views in the present contest must be different, were their real sentiments disclosed.

The northern colonists, who are the prime movers in this grand act of deception, conscious that their success depends intirely on dexterously concealing their real designs from the others, have not failed to set every engine at work to prevent men from coming at the truth. Hence that political intolerance which now prevails so remarkably in all their provinces. Where liberty of debate is allowed, truth will soon be discovered; but while no one dares utter a sentiment of his own; while the press is employed to publish nothing but falsehoods, calculated to inflame the multitude, and confirm them in their unreasonable prejudices, the farce may be kept up for some time longer. On these principles it is easy to account for the notorious falsehoods and the glaring absurdities published in the declaration of the American congress, which could not possibly have been admitted on any other plan. But some of the members of the congress already begin to smell a plot. The ingenious Mr Dickenson has ventured to dissent from the leaders of the junto on this account, and it is not to be doubted but when sober reason shall resume her throne, and their heated imaginations have time to cool, many more will begin to perceive how dreadfully they have become the dupes of an artful and imperious faction.

Were it not for the reasons already assigned, we might be amazed at the credulity of such a considerable number of the inhabitants of Great Britain, with regard to facts which a very little reflection might enable many to correct from their own memory. It is less surprising that we should be imposed on by the pompous accounts of the amazing extent and value of the commerce carried on from this island to these colonies on

the continent, because it is natural for every one to imagine, that since the great legislative council of the nation have for so many years past bestowed such an extraordinary degree of attention to it, and given such high encouragements to every thing relating to these, that two expensive wars have been undertaken solely on their account, that such enormous sums have been spent with so much cheerfulness for their protection,—and all this with no other declared view but to secure for ourselves the benefit of their commerce;—when all these circumstances are attended to, it is hardly possible for any one to avoid thinking, that that commerce must be indeed immense which has been worth the purchasing at the expence of so much blood and treasure. Facts, however, do not inculcate the same principle, and there is not a proposition in Euclid more certainly demonstrable, than that the commerce to the far greater part of these colonies does not, nor ever did, nearly counterbalance the hurt that the trade of this nation receives from them in several respects.

I doubt not, but many of my readers will look upon this as a mere paradoxical assertion—an idea adopted from caprice, without any sufficient authority; and I have not the vanity to think they would be one bit the more ready to give credit to it, should I assert the contrary with the most strenuous asseverations. I shall not however attempt to bring a full proof of it on the present occasion, as the subject is too weighty, and would require a discussion by far too long for my present purpose. I shall only endeavour to give a short explanation of my idea on this head, by a plain narrative of the gradual progress of the American commerce from its infancy till this time, and the ideas it has necessarily implanted in the minds of the people.

At the time that these colonies began to be established, the nation was too much engaged with her own internal affairs to bestow much attention to the nature of the country where her emigrants settled, or to foresee what might be the benefit or loss to the nation from possessing colonies properly or improperly placed with regard to the parent state. The nature of the climate, and other qualities of these provinces, too were then so imperfectly known,

that a certain judgment in this respect could not have been formed, even if they had been attentive to it; neither were the principles of commerce, nor the most essential benefits of colonization sufficiently understood in this country for a long period after that, so as to enable the legislature to exert its full influence for effecting, in the most certain manner, the future prosperity of the nation.

On these accounts, emigrants were in a great measure left to the freedom of their own wills in the choice of the place to which they were to retire, and they naturally chose a climate and a country as much resembling their parent state as they could meet with, so that the province now called Massachusetts-Bay, and the neighbourhood of it, became the center of that new colony; and the inhabitants, from various causes, began to increase in a very rapid manner, and to assume the appearance of a regular settlement.

But no sooner was the nation at liberty to look abroad to this infant settlement, than they began to perceive that both the emigrants and themselves had been guilty of an oversight that might become in time prejudicial to the interests of both, as some of the wisest politicians saw that as the native produce of both countries was nearly the same, and that the colonies produced few staples different from the mother-country, a rivalry must sooner or later take place between them that might be productive of the most dangerous consequences to one or other of these states.

The evil was foreseen—but, like many political oversights, the error was not in time corrected. Other colonies were indeed founded more to the southward, which were not liable to the same objections. But the inconveniences to which a new settlement is subjected are so numerous, that the greater number of emigrants chose to go to the northern colonies in preference of those to the southward, so that their population still increased in a greater proportion than any of the others; and although some feeble attempts were made to assist the settlement of the southern provinces, these were so weak as to operate very slowly. Nor was any step ever taken with a view to discourage the people of the northern colonies—an inattention that never can be too much regretted.

In the mean time, the original colonists finding themselves possessed of some products that Britain did not want, were induced to seek out markets for these. They soon found that the laws of the parent state interrupted the commerce to those places where they could have traded to the greatest advantage. This was felt as a hardship. Attempts were made to evade these laws, and as their situation favoured these, and as the parent state did not think it worth her while at first to interrupt their beginning commerce, they came to feel the sweets of a contraband trade, by which they enriched themselves, and benefited the colonies of our greatest rivals; nor could they, without the most sensible uneasiness, behold the attempts of the parent country to bring them under a proper subjection to the laws of commerce, upon which her own prosperity must ultimately depend. The stopping of smuggling with all the nations who have settlements in the West Indies, to the enriching of these countries and the impoverishment of Britain, is the real bone of contention at present, and nothing else*.

* Another cause of uneasiness to the New-England provinces since the cession of Canada, is the alteration of the course of the Indian trade, by which they are in some measure deprived of the profits they used to derive from thence, instead of being infinitely benefited by it, as they expected would be the case. For while the French kept possession of Canada, we had forts and trading marts established in the back settlements, which were entirely supplied with goods for the Indian market by the way of these colonies; but since that time, the communication through Canada, by means of the lakes, &c. being laid open, the Indian trade more naturally falls into that channel than any other, which was formerly obstructed by the powerful efforts of Great Britain continually exerted against her ancient rival.

This Indian commerce, trifling as it may seem, is the most gainful to Great Britain that ever was carried on to the northern colonies; and happy had it been for her if, instead of settling a colony of civilized Europeans in a climate that almost compelled the inhabitants to enter into trade and manufactures, and become her own rivals, she had contented herself with carrying on that Indian trade merely by factories of merchants, by means of which furs and ship timber, the only articles of consequence that ever were exported from thence, could have been obtained with more certainty and less trouble than at present, and the nation have been saved an immensity of

All these northern colonies, by which I mean all to the north of Virginia (perhaps Pennsylvania may be reckoned neutral), that is, about nine-tenths of the whole British subjects of America, having next to no staple commodity of use to Britain, and being supplied by other nations, in the manner above-recited, with almost all the necessities they stand in need of, have carried on but a very languid commerce with Britain, have established manufactures of their own, which they, in their usual course of contraband trade, vend in those places where British manufactures ought to be sold, and thus ruin our trade in a twofold manner; and by necessarily becoming great merchants and navigators, and applying themselves to the fishings on their own coast, have in a great measure outrivalled us in that branch of trade—the most necessary for preserving the vigour and independence of the state.

Being conscious, therefore, that their own interest and ours can never agree—that if they are to be dependent upon us, and subjected to our laws, they must be cramped in many of their lucrative employments, was it a wonder that they wished to keep themselves as free from these laws as possible, and that they opposed every project that naturally had a tendency to make the British legislature fully acquainted with the nature of their trade, and the internal œconomy of their states †?

blood and treasure which have been already lost, and much more that too probably will be lost in future ages.

† It is well known, that were it not for the supplies of lumber that the French colonies in the West Indies receive from the Americans, and the constant market they obtain for their melasses to the New-Englanders, the French settlers could hardly subsist in these colonies, or be able to sell the other produce of these islands, so as to outrival us in the same articles in foreign markets as they now do. Yet it is also well known, that during the last war, when these very Americans were imploring the aid of Great Britain in the most abject terms, they were carrying on that branch of clandestine trade to the utmost of their power.

As the French islands have no other possible market for their melasses, the Americans get them almost on their own terms, and by that means reduce the price of this article in our own islands to any thing they please, of which our West India planters have often

It is much to be regretted, when colonies are so circumstanced as to become natural enemies and rivals to the parent state, instead of finding it their mutual interest to cherish, support, and live in perpetual amity with one another. It is the *general interest* of countries, that must produce enmities or friendships; for, in opposition to that, treaties are but a breath, the most solemn contracts can never be binding. The severest oppression, or the mildest parental tenderness are alike disregarded and despised; concessions are but an opening to encroachments, and the most splendid victories procure but a precarious respite—a breathing that serves but to renew the combat, which never can effectually cease till one of the parties be intirely destroyed.

Happily for Britain this is not the case with all her colonies, although it is in some measure so with regard to those who were the aggressors in this dispute. The friendship of no nation can be of half the utility to the southern colonies as that of Britain is; and the benefit to this state by the amity of one of these colonists, is of more value than that of ten in the northern provinces. They must therefore live in general friendship, in spite of the little jealousies that may sometimes arise between them from trifling misapprehensions. The southern provinces, therefore, are the prize that is of value to Britain. They are yet in their infancy; but the parent state is possessed of such unopened treasures still to dispose of, that by proper encouragements to these, and a reasonable severity to those who have created her so much disturbance at present, it is not impossible still to make it the interests of these turbulent colonists to move to a more benign climate, and fertile soil, where they may be able to enjoy the blessings of life with tranquillity and peace; be cherished as the deserving children of a benignant parent, who mutually give and receive support from one another, and remain as a monument to future ages of the blessings

most loudly complained. This, however prejudicial to the parent state, and other colonies, furnished the means of a most lucrative trade and manufacture to the North Americans, particularly those of Boston; no wonder, therefore, they are desirous of continuing it by means of those arts of deception which they have so long and successfully employed.

that are procured by wisdom and a happy forecast. Unfortunately our forefathers have erred; but it is not yet too late to correct that error. A little time might have rendered that impossible, and have thus produced the most disagreeable consequences: it is therefore the interest of all parties, that Britain should be strenuous in her efforts at present, and that these efforts should be crowned with success.

So much for the *expediency* of not winking at the insults of the colonists at present, which would only have been the prelude to new and greater encroachments. I proceed with Urbanus to investigate with some degree of precision, the legality of the measures insisted on by the parliament of Great Britain.

Before I quit the present subject, it may not however be improper to observe, that if ever Britain hopes to avail herself fully of her settlements on the American continent, the acquisition of Canada was a preliminary of the utmost importance; for although that country, considered in itself, can never be of great value to Britain, yet the consequences of its remaining in the hands of France must have been extremely prejudicial to her interests in numberless respects. It is true, indeed, that as France never perceived in what manner that country could be made to turn out to her emolument, it was rather a burden to her than an advantage while in her possession: but if they, instead of making encroachments on the British subjects, had cultivated a friendly intimacy with them, and adopted the same plan that they do with the Spaniards in the island of Hispaniola, they could have carried on at all times a most lucrative contraband trade, so as to prevent the possibility of our ever reaping any considerable advantage from the commerce of our back settlements, and effectually prevented the beneficial settlement of the lands upon the Ohio and Mississippi—these countries, which will be in time more valuable to Britain than all the mines of Potosi, or the diamonds of Golconda, if we shall have the wisdom properly to avail ourselves of the blessings we are now in possession of.

And although it is not to be doubted but the cession of Canada, by removing the fears of our northern colonists for their own safety, has emboldened them to enter sooner than they otherwise

would have done into the contest with their parent state, yet it has also deprived them of resources which they would in that event have been possessed of, so as to have rendered their opposition when it did happen the more formidable. It would even have been more for the interest of these northern colonies to be allied with France than Britain, if it ever should have become an independent state; an event which, in their then situation, must have been effected some one time or other, to the total ruin of the British empire in America.

Happily these things are prevented.—And if we shall find that Britain is intitled, according to the strictest rules of moral equity, to demand an exact obedience from the Americans to all the obnoxious statutes, it is to be hoped she will have spirit and vigour to enforce the execution of them.

Liberty is a blessing of such inestimable value, that it is no wonder if those who are once acquainted with it should prize it above almost every other earthly enjoyment: and, as the desire of power and sovereign sway is so deeply rooted in the human heart, it is most natural for those who are intrusted with authority, to wish to extend it beyond the limits that strict equity may require, and to make the bulk of the people, whose happiness ought ever to constitute the supreme felicity of a state, the abject tools of their despotic authority. It is fit, therefore, that, in every free state, the rulers of it should be watched with attention—their actions be scanned with the most rigid severity, and every step that tends to infringe the liberty of any of the lieges, be pointed out with perspicuity, and opposed with the steady vigour of wisdom, which, in a really free state, will always be more than sufficient to overcome the insidious arts of an ambitious individual.

But, while the *people* are justly jealous of any thing that has the appearance of infringing their liberties, the *philosopher* ought to know, that to invent a proper system of legislation, calculated to preserve these liberties in the most perfect manner, requires, perhaps, the highest exertion of the human genius; and that, however much the *people* may be interested in the matter, it is not possible for them to judge properly of those circumstances that may tend most essen-

tially to their own detriment or advantage. Unacquainted with facts, and incapable of reasoning with precision, these must ever become the tools of those who wish to impose upon them. If their passions are inflamed, reason is quickly lulled asleep; and it is hardly possible to invent an absurdity, however glaring and self-evident to others, which they will not swallow with avidity; so that, in fighting for liberty, they too often rivet indissolubly their own chains, and become the slaves of those very persons that they themselves have exalted to supreme command.

It would be paying a poor compliment to my readers, to suppose they would require a proof of these facts. The history of almost every nation, but more especially that of our own country, for many ages, is little else than one continued series of examples of this important fact, and ought to teach us to attend, with the most cautious circumspection, to those who pretend to extend our liberty beyond its former bounds; for, if former experience is to be trusted, those who appeal to the passions of the multitude—who pretend to be reformers of the human race, and to exalt the liberties of mankind to the highest pitch, usually have the most insidious designs, and aim only at establishing their own power and authority on the ruin of their fellow-subjects.

No one who reads this can doubt the justness of these remarks; yet it is so difficult for a man, in such an interesting dispute as the present, not to take a side warmly, and to view every circumstance through the medium of prejudice, that, I am afraid, few of my readers will be able, on this occasion, to make the proper use of them; yet methinks it is not impossible for the human mind to divest itself, in some measure, of prejudices for a short time—to consider an argument as totally unconnected with any particular men or names, and to form a judgment of it in that manner. I would fain endeavour to do this in the present case, were I not afraid that, like others who have attempted to do the same before me, I might be led away by prejudice into the mazes of error and inconsistency.

The example of the worthy *Urbanus* furnishes me with a recent lesson of circumspection in this respect. His dispositions I admire. Whoever has a

heart overflowing with humanity and benevolence for mankind is a good, amiable, a respectable member of society—He who would not willingly venture his own life, and all that he possesses in this world, when it should become necessary, for maintaining his own liberty and that of his fellow-creatures, and transmitting it to his posterity, is unworthy of partaking of the blessings that it procures. In these respects he and I most perfectly, as I suppose, agree: But when we come to reason on the means of securing these liberties, it is hardly possible to imagine two persons more opposite to one another. Reason is fallible. One of us at least must be mistaken. Every reader, after weighing the arguments on both sides, must judge for himself.

I willingly follow *Urbanus* in inquiring into the grounds of that *right* claimed by the British parliament to tax America; and, that I may not misrepresent his argument on this head, I quote his own words, although this quotation, I am sensible, is very long.—“As the present contest,” says he, ‘between Great Britain and America’ is wholly bottomed on the right affirmed to belong to the British parliament to tax the American colonies, it is self-evident that the right or wrong in *this* question must wholly depend upon the decision of another. Is this parliamentary right real and constitutional, or fictitious and assumed? It appears to me that this parliamentary claim is fictitious and assumed; and I go on this maxim, or general principle—That the supreme sovereignty, as to the fundamentals of a free constitution, cannot be vested in *any* form of government inconsistent with the natural rights of mankind. It must be vested ultimately in the society at large, or more limitedly as represented by their constituents, so that the same allegiance that every private individual owes to the government legally established, doth that government, or the estates of which it is composed, owe to the community in general; which is always supposed to have reserved to itself, and to have asserted certain original rights of mankind, which it would be sacrilege in us to violate. Now, one of the most essential of these rights is, that every

the minutest component part of the state in general shall be free from every assessment, and secure in the possession of every part of property, except by constitutional authority,—that is, a *direct* or *effective* representation in parliament.”—And again he adds—“It (*that is*, the supreme legislative council of the nation) may still, indeed, be possessed of the power, and in this case it may be, it is often, wise and prudent to submit; but this can never infer a *right* to submission, or make that *lawful* which destroys the very nature and end of its institution. But who is to judge? Every individual hath a right, say I. It is a privilege of our natures, whether we shall ever be able, or it shall ever be prudent to exercise it. Hath then every individual a right of resistance? Certainly; because, if every individual was not possessed of that right, it could never be acquired by the accession of numbers.”

I have quoted these passages at length, that the reader may have before his eye at once the grounds of the argument, on which this correspondent rests his claim of the independence of America: But, if I reason rightly, the same argument would be equally valid in excusing every kind of rebellion, and totally destroy every civil government whatever. It either proves too much or nothing at all.

Urbanus seems to admit that there may be such a thing as a just and equitable *government*, and laws to which every member of the community ought in justice to submit themselves. If this is refused, all argument is at an end—If it is granted, I am afraid the principles of natural liberty, above asserted, will be obliged to be in some measure abandoned.

There will be nothing, I suppose, more readily granted, than that all mankind were naturally equal in rank and authority as they came from the hands of the Creator; so that no one had a better right than another to domineer over, or to command his equals.

It will be likewise allowed, that one of the most natural and unalienable rights of mankind is freedom of thought, and the consequent freedom of action that must result from that free exercise of the faculties of the mind.

Hence then it follows, that man has a

natural and unalienable right to think and act as he sees fit; nor can any person, without infringing upon his natural liberty, restrain him in the free exercise of these his undoubted native privileges; nor can that be effected without a superior force, to which he must, contrary to natural justice, be obliged to submit. All government, therefore, is established by force, and can be maintained by no other means; so that, according to the principles above maintained, every system of government, that ever was or can be invented, is unjust, and a tyrannical encroachment on the natural liberties of mankind, which each individual hath a just right to resist in every instance that he thinks proper.

If it should be told me, that there are such things as justice and equity;—that the human mind is naturally capable of perceiving these;—that a number of mankind may voluntarily assemble together, and establish among themselves certain rules founded upon these principles, to which every individual of that society binds himself to submit, for the mutual benefit of the whole,—which might serve as a model for a free and perfect government, where the natural liberty of every one was preserved—it would not in the least alter the case: for, if every individual of that society shall still retain his native liberty of thought and action, he cannot be bound by these regulations longer than they appear to him just and equitable; and as he may, on some future occasion, see reason to alter his opinion, should he, in consequence of that, infringe any of these regulations, how is it possible to make him submit to the penalties that this may infer?—He cannot be brought to do it voluntarily, because his judgment or inclination leads him to pursue an opposite conduct. Force only remains to compel him to submit to those regulations that others, not himself, think just. Still, therefore, even this most perfect government is founded on force, and necessarily infringes the natural and unalienable rights of mankind.

But, supposing it should so happen that, in the assembly convened for the purpose of establishing civil government, or in that district of country over which its dominion was proposed to extend, one or more individuals should differ in opinion from others, and think some things unjust that the others thought

highly equitable, by what pretensions can these others make that individual submit to their regulations?—If it be answered, that the general sense of the majority, when uninfluenced by any sinister motives, ought to determine those few who differ from them to submit to their decision, as the probability is that justice is on their side: but still, if ever such a small number shall continue obstinate, and be determined to do what they themselves shall see fit, without regard to the regulations of the others, there is no recourse to be had but to force, which constrains them to make their own private interest give way to the public good—or, in other words, makes natural liberty give way to political freedom. Again—supposing the whole members of the community should be unanimous, and should thus enact certain laws to which they themselves should be bound, in consequence of their faith pledged to one another, during their whole lives—by what rule of natural equity, on the principles of Urbanus, shall the children of these original contractors be bound to adhere to the regulations established by their fathers?—or how shall those who obstinately differ in opinion from them be brought to submit to these laws—but by force?

Thus, let us torture the subject as long as we will, and consider it in every possible point of view, we shall still be obliged to recur to this conclusion, That civil liberty, the exact distribution of justice between man and man, and every species of government whatever, is totally incompatible with that kind of natural liberty for which Urbanus contends: nor is there any other possible way of making the dictates of right reason, equity and disinterested benevolence, obtain an ascendancy in civil society over the selfish and sordid passions, and that anarchy and misrule that the free exercise of these would produce, but by a general appeal to the common sense and sound judgment of the whole community, the majority of which must always be supposed to have justice on their side—or, in other words, if there is no such principles inherent in mankind as a love of order—of justice and equity, where the mind is not particularly biased by prejudice and affections—that strength and power must supply the want of it, and the weaker must yield to the stronger.

I would hence infer, directly in contradiction to Urbanus, that, if civil society is a blessing to mankind; if political liberty is an advantage; and if laws can ever be of utility to the state, or to individuals—that, in that case, no individual can have a right to oppose his private opinion to the established laws of the state, where these have been duly enacted, *according to that system of legislation in which he and his forefathers have acquiesced, and acknowledged to be the only proper source of legislation of that country which he inhabits*: nor can he be justified in resisting these laws, even when he thinks them unjust; for, if every individual were to exercise this right, the end of these laws would be totally frustrated, and every thing must return to that state of anarchy and confusion, which is more destructive of equitable freedom than the most defective system of government that ever yet was invented. An example will place this in a clearer point of view.

I am a subject of Great Britain—and am satisfied that the system of legislation established in this country, if not perfect, is at least better than that of any of the countries around me—and *therefore I chuse to continue a member of that community, and to reap all the advantages, and suffer all the inconveniencies, to which those in my station of life are subjected by its laws and civil regulations*. It happens, however, that, by exercising my reasoning faculties, I have no difficulty in perceiving that many of these laws are unjust, and some of her regulations oppressive:—am I therefore intitled, in *justice and equity*, to refuse to submit to these?—or should I hold myself excused if, in vindicating this supposed natural privilege, I should hurt, or maim, or destroy any of my fellow-subjects, who should be authorised to put the laws in force?—Thus I am perfectly satisfied that there is a great difference between the degrees of guilt of a person who commits a deliberate murder, and one who, perhaps through necessity, has been tempted to purloin some trifle from a man that can easily spare it—yet the law has made no difference between the punishment of the one and the other of these crimes. This I must regret as an imperfection, *and ought to exert myself, as far as my influence extends, to get that imperfect law amended*—but nevertheless I am bound to submit to its

decrees so long as it is in force. It is, however, self-evident to me, that the punishment inflicted upon the last of these crimes is far greater than the heinousness of the guilt requires. Supposing then that, with a firm persuasion of this, I should have the misfortune to transgress this law, and should be brought, in consequence thereof, to undergo the punishment the law requires, should my own conscience excuse me, or would any impartial person say I had done right if I should then stand on my defence, and kill or destroy the executioner, guards, or any other person whom the law had intrusted with the power of enforcing its sentence? Surely no.—I would thus add guilt to guilt, and would then justly deserve to be cut off from that society, of which I had showed myself to be such an unworthy member.

Such was the opinion of Socrates, that wisest of the heathens, who suffered without repining under a most unjust sentence of an inequitable law—and such will ever be the sentiments of every deserving member of every community. Perfection is not to be attained in this life; and it becomes our duty to submit to lesser inconveniencies, that greater evils may be thereby avoided.

I have been at some pains to illustrate the tendency of that doctrine advanced by Urbanus, not with a view to inculcate the doctrine of passive obedience and non-resistance *in all cases*, but barely to show that the principles of civil government ought not to be wantonly unhinged by the capricious phantasy of every private individual. *Where no rules are established, by which we may be able to judge of the legality of the powers assumed by the legislature of a country*, it is unfortunate for the people, as they have no exact criterion by which they can judge of the malversation of their magistrates, nor any certain way of obtaining the impartial opinion of the majority of the inhabitants themselves—nor any certainty that the opinion of these inhabitants, if it could be obtained, would be an equitable decision; so that, even where a legislation is extremely defective, little good may in general be expected from this *dernier resort*, an appeal to the sword of the people at large; on which account it ought, if possible, to be avoided in all cases, as a most desperate remedy, and ought never to be employed but where the general opinion of all

ranks of men is so obviously on one side as to leave not a doubt of the justness of the claim, and where there is no *other possible* means of obtaining redress. Such emergencies already may have appeared, and such may perhaps again become necessary. Whether the present dispute with America may be justly referred to this class, will fall to be examined in some future part of this essay.

Having thus animadverted on the principles of natural liberty, I now proceed to make some remarks on political freedom, with a view, if possible, to ascertain the particular circumstances in which it essentially consists.

Urbanus, in the passage already quoted, has asserted, “That the supreme sovereignty, as to the fundamentals of a free constitution, must be vested ultimately in the society at large, or more limitedly, as represented by their constituents;” and a little afterwards he adds, “Now, one of the most essential of these rights (*i. e.* certain original rights of mankind, which it would be sacrilege in us to violate) is, that every *the minutest component part* of the state in general, shall be free from every assessment, and secure in the possession of every part of property, except by *constitutional authority*, that is, a *direct or effective* representation in parliament.”

If I understand the meaning of this passage, it is, That the subjects of no state can be said to enjoy political freedom, or in other words, that it cannot be accounted a free state, unless where the supreme sovereignty, or unlimited legislative power, is vested in the whole body of the people at large, or in a select committee chosen by the whole body of the people, who had voluntarily delegated their own power to them, appointing them to act in their stead, which are here called their *constituents*. And that, in an especial manner, no law *imposing taxes* of any sort can possibly be obligatory in a *free state*, unless where it is either enacted by the whole body of the people at large, or by these their constituents.

I cannot help here remarking as a strong proof of the natural imbecillity of the human mind, that every age and people are continually governed by an irresistible propensity to follow certain *fashions* that have by accident become prevalent, and to think that every thing that does not comply with these is ridiculous and absurd. If this could be

confined to the fashion of our dress, and the mode of external decorations, it would be happy for mankind; but unfortunately, its influence extends not only to this, but to our words, and thoughts, and actions, in some of the most interesting situations. The fashionable words at present in Britain are *representation* and *taxation*, which are so inseparably united by this popular charm, that it is not in the power of reason, of facts, or of the experience of all preceeding ages to dissolve the charm, or make common sense resume her throne.

In what other way can we account for the striking absurdity of persons who are not unacquainted with the history of those free nations of antiquity, and who read with raptures the generous efforts of the inhabitants of those whose souls animated with that divine fervour that can only spring from liberty, excited them to perform actions which will be admired so long as human nature exists? That persons, I say, who are acquainted with these facts, and who must at the same time know that neither the Greeks nor Romans had the most distant idea of what we mean by *representation*; and that in none of these states, small and inconsiderable as some of them were, was the supreme legislative power intrusted without limitation with the body of the people at large; and that in particular the power of levying taxes was almost universally invested in some particular order, and not in the whole body of the people. In the two larger republics of Rome and Carthage, this power of taxation was vested in the senate, and in others it varied according to the particular views of their legislators. That persons who know all these things should still insist that taxation and representation are inseparable in a free state, appears a little extraordinary, and must be referred to the principle above-mentioned.

In few arts or sciences is it safe to trust intirely to theory and reasoning *a priori*, and in none is there greater danger of being misled by this means than in the science of government. Nothing seems more beautiful in theory—more equitable or productive of more beneficial consequences to society, than the idea of a small state, in which every member of it could be admitted into the general assembly of the state, bear a part in every debate, and assent to every law

that was to be binding upon him; yet experience has long ago demonstrated, that this is very far from being the most perfect system of government; and therefore the legislators of antiquity, who had wisdom to perceive the many and great inconveniencies to which this mode of government was subjected, while they amused the people with an idea of their own omnipotence, artfully deprived them of the power on many occasions, which it would have been dangerous to have intrusted with themselves. Superficial readers of antient history, like the people themselves, may not perceive these checks upon their power; but every man of discernment must easily see, that while they retained the name of omnipotence, they were indeed vested with little authority*: and happy it was for them, that this was the case; for the experience of all ages shews that, when by any misfortune the supreme power was thrown into the hands of the people, the end of that state was at hand.

If then it be admitted that the subjects of the republics of antiquity enjoyed political liberty, and if it be likewise true that the supreme sovereignty, especially with regard to taxation, was not in these states *always* vested in the body of the people (which I beg those who deny this will take the trouble of proving), it must necessarily follow that the above definition of the principles of political freedom is imperfect, and that the subjects of a state may be free where the

* I do not know if it has yet been attempted; but a book which should explain, in a clear and satisfactory manner, the various contrivances that have been adopted by the different legislators of antiquity, for preventing the people from intermeddling in the great and weighty matters of state, would be extremely curious and useful. It will not be expected that I should here engage in this intricate discussion.

In the republic of Athens, where all causes seem to have been determined by the people, the senate alone had the power of preparing those laws that were to be proposed to the people: Any resolution of the senate was not entitled a law till it had the sanction of the people; but it was in force for *one year*, even without that sanction:—Our supplies are never granted for a longer term.

In Carthage, if the senate was unanimous, their resolutions had the power of law, without the sanction of the people, who became umpires only when the votes of the senate were divided.

supreme sovereignty is *not* vested in the society at large. This then is not an essential principle of political freedom.

By the same mode of reasoning we might likewise prove, that political freedom may exist in a state where the supreme sovereignty is not vested in any number of representatives elected by the whole body of the people. But as the subject of *representation* has never, that I know of, been accurately discussed by any political writer, and as a great majority of the people of Britain seem to have no proper idea of the nature of representation in general, and especially of the nature of that representation that takes place in the constitution of this country, and therefore draw conclusions from it that are extremely erroneous, I shall hope to be excused if I investigate the subject with a greater degree of accuracy. This task I the rather undertake, because Locke and Montesquieu, who deserve so well of society in general, for the lights they have brought to mankind on the interesting subject of political liberty, have either not attended to this branch of their subject with sufficient precision themselves, or have not explained their ideas in such a manner as to enable us to form a just judgment of this matter from their writings.

IT has been asserted, that in a free country the supreme authority must either be vested in the society at large, or in the same society as represented by their constituents*, and that every *the minutest component part of the state* in general shall be free from every assessment, except by the authority of their own representatives in parliament.

Nothing seems to be more simple than the idea of *representation* conveyed in the passage; nor can any thing seem to be more equitable, or more consonant to the principles of natural justice, or more likely to procure a proper subordination in civil society, without infringing on natural liberty, than this does: For where a state is so large as to render it impossible to convene the whole body of the people, it seems to be a most natural expedient for those at a distance to chuse from among themselves certain individuals of their own order, who being acquainted with the

disposition, circumstances, and opinions of their neighbours, would be more capable of judging what was fit or proper for these their constituents than any other body of men whatever, and therefore more likely to be attentive to their real interests than any others could be. Yet simple and natural as this idea seems to be, it is strange that it should never have occurred to any antient legislator, nor have ever yet been put in practice in any state under the sun †, and probably never will: and it will perhaps appear still more strange to some, should it be asserted that, if this should ever be effected, that state where this should happen would probably be farther from enjoying real liberty than almost any other that was subjected to any other system of legislation which could be adopted.

It has probably been from the beautiful simplicity of this idea of representation, that most modern civilians have been led to imagine hastily, that because Britain is a free state, and because there is a certain proportion of the legislative council of the nation chosen by a peculiar class of the subjects of the realm, this is an example of a true representation, and a full proof of the beneficial consequences that result from thence; it being imagined that this is one of the most valuable privileges secured to us by our constitution, on which the real liberties of each individual of the state essentially depend. That this however is an erroneous opinion, will, I hope, appear from the following succinct historical relation of the origin and present state of what is called *representation* in Britain.

It is well known that the feudal system of government was originally a military institution,—a sort of confederacy of independent chiefs, who voluntarily submitted themselves to be led by one chieftain appointed by themselves, who, in consequence of his office, should be possessed of certain privileges which they themselves voluntarily stipulated, and that in all other circumstances he should be only as one of themselves.

† I do not forget the assembly of the Amphictyons in Greece, the Hanseatic and Helvetic councils, the imperial diet of Germany, or that of Poland, nor even the *continental congress* itself. All these, and many others that might be named, were assemblies consisting of representatives indeed, but very different from the representations of the people here alluded to.

* Urbanus, whose words I quote, is here guilty of a small inaccuracy, using the word *constituents* in the place of *representatives*.

These warlike chiefs—formed a standing military council with whom the *captain* was on all occasions obliged to consult, and without whose approbation no affair of any moment could be transacted,—because each refused to achieve any great or hazardous enterprize, unless he himself thought it should turn out to his own emolument; nor was the captain possessed of any power to compel them.

So long as these warlike bands were kept in the field and employed in action, this military government could easily be maintained in all its force; but when by their sword they had conquered kingdoms, when the lands were divided among the conquerors, and each was allowed to retire to his own domains, and enjoy that peace which his conquering arms had helped him to procure, it became necessary to enter into certain regulations for the preservation of the whole. The chief was appointed guardian of the realm, and was intrusted with certain discretionary powers, which he, in the absence of his peers, might exert for the common safety, and, in particular, with a power to summon the whole chieftains with all their military forces to attend him on any emergency that he might judge fit, which they were bound by the most solemn engagements religiously to perform; and as it now became impossible for these chiefs to form a *continual* standing council around the prince, he, on his part, could enact no laws that should be binding on his peers without their own consent, and was therefore obliged at certain times to call a general council of all these chiefs, to deliberate on the means that were proper to be pursued for the common good of the whole. Such were the assemblies of our forefathers, which we now denominate *parliaments*.

In process of time, foreign wars being little to be dreaded in this island, the idea of a military establishment for common defence began to be lost among the nobles. The civil arts came in some measure to occupy the place of the military: the great fortunes of some of the chiefs were on some occasions alienated and divided into smaller parcels, the possessors of which were bound to the same services to the prince, and intitled to the same privileges as the former possessors: and as they were at all times liable to be summoned, and obliged to

attend the councils of the prince, this subjected these smaller barons to so much trouble and expence as to become a grievous burden upon them, of which they were extremely desirous to be freed. On this account they moved for, and at length obtained the privilege of deputing only a small number of their own order to attend the king's councils, which should be accepted of as an acquittal for the services, on that account, of the whole. Such is the origin of that order in parliament distinguished by the name of *Knights*:—an order which, although now denominated *commons*, is really and truly representative of the nobility, formerly distinguished by the appellation of *Barons*. That order which formed originally the standing council of the prince, and might be denominated his peers—what we now call *nobles*, is a class of people that have come in the stead of those *greater* barons who were able to attend the councils of the prince without inconvenience, and therefore continued to attend in person. They are now distinguished from the others by being created by patent,—an honorary device of late invention.

As the captain, prince, or king, had originally large demesnes assigned him, and as all his vassals were obliged to attend his standard, if called, for a limited time each year, with a number of soldiers proportioned to the extent of their demesnes, at their own expence, he stood in no need of money for the defence of the state; and these services were instead of all taxes, unless it was certain sums particularly specified for extraordinary occasions, as the ransom of the prince, or marriage of the king's daughter, &c. But as the prince received no benefit from these services in time of peace, he naturally wished for war, that thus he might become a person of greater consequence; and, unfortunately for Britain, her kings cut out work enough for themselves in that way by their ridiculous claims on France, which had certainly no other rational tendency but to augment the glory of the prince. But although the feudal institution was well enough calculated for the defence of the realm, that mode of obtaining soldiers was very ill calculated for carrying on foreign wars, and still worse for maintaining conquests. It therefore became the desire of the prince to get money in place of these services; and as this was

at the same time less burdensome to the subject, these services were often converted into money for the benefit of both parties, and to their mutual satisfaction.

When emergencies occurred in which the prince had occasion for more money than his own demesnes and the conversion of these services produced, it could only be obtained in name of a *free gift* from his prelates and barons in parliament, who, as must be necessarily inferred from the name, had each the sole power of nominating the sum that they chose to give respectively.

Hitherto we have had occasion to take notice of only two orders of lay-citizens, the *King* and *Barons*. The *people* properly so called were considered as nothing. They were slaves* in every respect, subjected to the power of the baron under whom they were placed; nor did they seem, for a long time, to merit the attention of the legislative council of the nation. The barons bravely asserted their liberties, and defended their rights from the encroachments of the crown; but it was their own privileges they defended with such successful resolution on the famous plain of Runymede, and not that of the people. It was to secure these liberties that the famous *Magna Charta* was granted, in which, although we must admire the moderation of the prevailing party, and approve of the wisdom of their institutions, yet, in conformity with the prevailing spirit of the times, we meet with few stipulations for the meaner orders of the people. It is happy, however, for us, that by the *bill of rights* these stipulations in favour of the liberty of the barons only, are in a great measure transferred to all orders of the people, which gives to us a degree of liberty that no other nation ever enjoyed†, and which it becomes our duty as men and citizens not to see infringed.

* I here call the people slaves, in contradistinction to the freedom we now enjoy, not because they were literally what we now mean by that appellation.

† In forming an opinion of ancient institutions, we are often imposed upon by the names employed, not sufficiently adverting to the different meaning that the same term often denotes at different periods. No term has been employed in a more vague manner than that of *people*, nor did it ever in ancient times denote what we now mean by that

In the early ages of the British empire, while the feudal system was in full force, commerce was reckoned a vile art, and little practised: but, as the benefits of this came to be known, princes for their own profit granted certain privileges to those who practised it. Charters were given to particular towns, by which the inhabitants were freed from any dependence on any chieftain: they became a sort of republican societies under the immediate protection of the crown, but governed by their own municipal regulations. Under the influence of these laws the *people*, who gradually withdrew themselves from the great barons, came to have some sort of privileges, and began gradually to experience an inferior kind of liberty of their own. When these communities by this means came to be possessed of riches, it was soon observed by the prince as well as the barons, that when all other orders of the state assisted the crown by a free gift, these, who were neither under the dominion of the clergy nor barons, were totally excluded, and contributed nothing to the exigencies of the state; and it was too much the interest of all the other powerful parties to prevent this from being the case, to expect that it should long continue so. They were required to contribute to the exigencies of the state; and as, under the feudal government, all taxes used to be obtained as a *gift*, these were summoned to send deputies to the court, with full powers from the consti-

word. In Britain it usually meant the higher order of citizens called by us *freeholders*, the lower ranks being seldom accounted of any note in the state. In the free states in Greece it had nearly a similar acceptation. We find that the inhabitants of Athens were divided into three orders, which, about the CXVIth Olympiad, were proportioned as under: viz. citizens 21,000, strangers 10,000, servants 40,000. It was the first class only who were denominated the *people* of Athens. The others were in a great measure slaves, who were accounted as nothing in the state, and never had any share in the legislative council, were severely taxed, and hardly intitled to any immunities. How different is the freedom of Britain, where the liberty of every the meanest individual is as effectually secured as of the king himself!

We ought to guard against being imposed upon by names,—a common source of error in all ages. Britain has, however, derived advantages from this circumstance.

tients of each to grant, in the name of their whole community, whatever supplies should be deemed necessary. These deputies were accordingly assembled. The demands of the crown were announced to them, to which they were required to assent. The amount of the *free gift* for each burgh was thus ascertained, which business being finished, each returned to his own abode, without intermeddling any farther with affairs of state.

Such is the origin of that order in our senate distinguished by the name of *Burgeses*—the only part of our parliament that can claim the most distant title of being the representatives of any order of the people, properly so called. And to this circumstance I believe we may attribute the origin of that idea that has since become so prevalent in Britain, that no British subject can be taxed without the consent of his own representatives in parliament.

But so long as this order of citizens continued to act merely as the representatives of the burghs, for the purpose of granting voluntary aids to the crown, although their taxes had the name of being *free gifts*, they were nevertheless intirely determined by the will of the crown: for so long as these deputies had no share in the legislation of the state, and so long as their interest was considered as being intirely separate and distinct from that of the barons and the rest of the people*, it is easy to see that the crown needed only to propose a law with regard to them, to which the barons would cheerfully assent, however iniquitous or oppressive it might be. They were therefore the creatures of the crown, to whose desires they were obliged implicitly to submit, as it was to the protection of the prince alone that they owed their very being.

* It is easy to see that in the circumstances these communities were then placed, this could not fail to have happened. It is probably to the partial views of our rude ancestors in this respect, and the influence that these doctrines obtained over the rising generations from the early prejudices of education, that we must attribute that ridiculous jealousy that mutually subsisted for so many years in this island between the mercantile and landed interest, whose ill grounded contentions have occasioned much harm to the nation—A jealousy which, although now abated, is not yet quite extinguished.

It deserves also to be noted that the same principles of aristocracy that prevailed through other parts of the kingdom were adopted here. A certain sum was voluntarily granted by a city, the magistrates of which might levy it in what manner they saw fit, from the lower orders of their citizens, without any controul from the general laws of the land. The liberty of individuals seems to have been as yet an object beneath the attention of the legislature.

But although the crown was thus at liberty to tax the burghs at pleasure†, without the smallest opposition from the barons, yet as various new cases occurred in the course of ages, that had not been foreseen by the original settlers of the feudal system, and consequently had not been provided for in the original compact between the king and barons, these furnished cause for contests and much bloodshed in future times. Among these, the most considerable was the duties that might be drawn for importing or exporting mercantile commodities: the right of levying which was often claimed by the crown, while it was as violently opposed by the barons; a claim, which notwithstanding the most authentic charters, and other public solemn deeds, was never finally settled till the happy revolution—the true æra of British liberty.

It would be tedious and unnecessary here to trace the gradual steps by which the British parliament assumed its present form. It is sufficient to observe, that the above is a fair and impartial account of the real origin of all that part of the constitution that can claim the title of representatives of any sort; and, as these representatives are elected at this day in the very same manner as is above represented, it appears that all the house of commons, excepting the few *burgesses*, are really representatives of the antient order of *barons*, and not of the

† It is obvious that the *free gift* of the barons answered pretty much the same purpose as the general land-tax. It was intended as a general assessment on all persons possessing property; the *free gift* of the burghs was therefore intended to make that assessment extend to the inhabitants of these, as well as the inhabitants of the country, the subjects of the barons. The taxes after-mentioned came to be viewed in a very different light by the barons.

people; nine-tenths of whom neither now have, nor ever had one single representative in parliament, nor gave their assent to any law whatever. Those, therefore, who contend that the liberties of British subjects depend upon their giving their assent, by means of their representatives, to all the laws by which they are bound, are guilty of a like absurdity with those who celebrate, in such pompous strains, the bravery and *disinterested* efforts of those bold barons, who forced the king to grant a charter of liberties to the *people*. These barons indeed did force, by that means, a charter of liberties for themselves and their own order, to transmit to their posterity, unimpaired, that grand system of aristocratic independence, which enabled them to govern their own vassals without controul; but it was not till commerce introduced riches among the lower ranks of people, which gradually sapped the foundations of that aristocracy, that the first dawnings of real liberty appeared in this country. The same system of representation that now takes place had prevailed, without any alteration, for many ages before these dawnings of liberty appeared. This circumstance, therefore, in itself cannot be accounted the great source of our liberties. We were slaves long after we enjoyed it, and might have been so still, but for other causes that deserve to be more particularly attended to.

I am sufficiently aware that it will be objected to me, that although Britain does not indeed enjoy a *perfect*, or a *direct* representation of all orders of its people, still they are *effectively* represented, because its legislators cannot tax (for this is the great article of legislation most strenuously contended for) the people without involving themselves in the effects of this taxation. They are all members of one community, and the interest of every individual is affected by the state of the whole. Should the people, therefore, be oppressed, the legislators would suffer with them; therefore it is inferred that the people are safe under a legislation in these circumstances.

This, if I mistake not, is the true meaning of the definition of *effective* representation given by Urbanus. "This," says he, "I call an *effective representation*, when thus it becomes impossible for one part of the community to pursue measures in any capital point

injurious to another, without involving themselves, and feeling the *immediate* or more *remote* consequences." As much stress seems to be laid upon this kind of effective representation, I shall be at some pains to trace its nature, and to point out the consequences that must be drawn from this system of reasoning.

The advocates for this system seem to form an opinion of mankind very different from that which I have been obliged to adopt, by a careful attention to such facts as have come within the reach of my observation: for so far am I from thinking that mankind are *universally* disposed to forego a present pleasure, or an *immediate* advantage to themselves, when it is probable that, by grasping at that advantage, they or their heirs may, at some *distant period*, suffer a greater inconvenience which they might avoid by foregoing it, that, it appears to me, if there are any men who can properly compute the real difference between two benefits, the one immediate and certain, the other distant and contingent, the number is extremely small; so that if our liberties were to rest on this foundation alone, I would suppose they were in a tottering condition indeed.

I shall endeavour to bring this reasoning more home by a familiar example. Every reasonable person will readily allow, that a proprietor of land is very materially interested in the success and prosperity of the tenants on his estate. If these are rich and flourishing, they will be enabled to improve their ground, and make it yield crops in many cases of ten times the value it would yield if they were involved in misery. In the one case, the proprietor can draw but a scanty and precarious pittance from a few wretches who are incapable of any sort of exertion, and in danger of totally deserting a part of the country where they have few enjoyments, and thus leaving the proprietor or his descendants in possession of a desert waste of no sort of value. In the other case, although they bestow upon the proprietor only a moderate share of their own profits, his revenues will be large, and his patrimony continually increasing in value. It is therefore in a very high degree the interest of every proprietor not to oppress his tenants by exacting very high rents, or otherwise harrassing them, so as to depress their spirits, and render their

efforts feeble; *his* interest is evidently connected with *their's*; so that he cannot oppress them without hurting himself or his heirs. But will Urbanus seriously assert, that the majority of the landholders in Britain, or of those of his own acquaintance, act in this particular as if they were influenced by these prudent and humane considerations? If he shall say that too many of them do not—is not the inference plain? Is it to be expected that mankind, in private life, where their own interest is more immediately concerned in the distant consequences of such councils, and not more nearly interested by the present advantages, will be less prudent and equitable to those under their sway than legislators will be, whose interest is only eventually affected by the misery of the people, but whose purses may be immediately filled with their spoils. This, however, must be supposed, before we can rest satisfied that our liberties are effectually secured by that kind of *effective* representation which Britain enjoys.

Let us now extend our views a little farther, and see what effect this kind of *effective* representation produces in other states that enjoy it.

Of all the kingdoms in Europe, Poland is that which has longest adhered to her feudal institutions, and yet maintains its liberties in this respect more perfectly than almost any other has done within the records of certain history. Her nobles are at this hour very much in the same state our barons wished to be placed in at the famous treaty of Runymede, with this difference however in favour of the former, that they still retain the privilege of electing their own kings, which the English barons had long before that period renounced.

Nor does this seem to be a small sacrifice made by the English barons, or a reasonable concession, were we to argue on the principles of natural liberty, or political prudence obtained from *speculative reasoning*. For nothing would seem to be more absurd than to allow an infant, or a person destitute of genius or political talents, to occupy the post of the first importance in the state, which all those who make the crown hereditary must naturally expect may happen. Nor does it seem either equitable or prudent, that a body of men who are all equal, and who have all an equal right to that supreme honour, should divest

themselves and their heirs of that invaluable privilege, and, by vesting it perpetually in another family, raise it to such a height as to put their own rights and privileges in danger of being overturned by the overgrown power of this family that they thus exalt to royalty.

Such seems to have been the reasoning of the Poles, and they have preserved the form of their government unadulterated. Their king is elective, and thus they run *no risk of ever having an improper one*: their people, the *very lowest individuals of the state*, are free; because no one can tax them without the consent of their own *effective* representatives in the general legislative council of the nation; for no one will deny that the nobles of Poland, and the lowest orders of the people, are all “members of one community, governed by one common political law, and having one common interest, which necessarily produces one common security, no less effectual in fact than if every individual had a right to vote *.”

Such, O Britons! is the nature of that liberty in which you are perpetually secured by means of your *effective* representation in parliament.

* *Excerpts from the Magna Charta of the Poles.*

This so much boasted *Polish* liberty is properly limited to the nobles only; for they have the power of life and death over their vassals, who on that account groan under an oppressive vassalage, or rather slavery. Every nobleman is absolute lord of his estates; so that the king can require no subsidy from him, nor is he obliged to maintain or find quarter for any soldiers. If a foreigner dies on a nobleman's estate in Poland without leaving any heirs, his effects fall to the lord of the manor as an escheat; but, on the demise of a nobleman without heirs, his estate does not escheat to the king, whilst there are any persons living who are related in the eighth degree from the deceased: and if a nobleman dies without heirs, or any such relations, the king cannot appropriate his estate to himself, but is obliged to bestow it upon some other nobleman of merit. The house of a nobleman is a secure asylum for persons who have committed any crime, for none must presume to take them from thence by force. The judges in the towns dare not cause a nobleman's vassal to be arrested, or his effects to be seized. Noblemen and their vassals pay no toll or duty for the corn, cattle, &c. which they send out of the country for sale. They have also the liberty of working any mines or salt-works on their estates. No magistrate, nor even the

I hope I shall not be here accused of drawing an inference that the reasoning of Urbanus, and others who harp upon this string of *effective* representation, will not justly authorise; and I can hardly think that any one will be so blind as to object to me here, that the Poles have no elected members at their diet, and that therefore we cannot compare them with the representatives of our barons; for surely our liberties would not be less secure if all the voters for knights to serve in parliament were intitled to sit there themselves instead of their representatives, which is the case with Poland. Their *people* therefore, if the above reasoning is just, are as *effectually* represented at the diets as ours are in parliament; and if we enjoy valuable liberties, while they are the most abject slaves, it is not because the interest of the nobles in the one case is not as naturally and necessarily connected with the people, as that of our representatives in parliament is with what may be properly called the *people* in Britain, but because we are possessed of other advantages, altogether independent of representation, that insure our liberties to us.

Indeed this doctrine of effective representation is in itself so absurd, and the inferences that may naturally be drawn from it are so truly ridiculous, that it requires some effort in a man, who is himself serious, to persuade himself

king himself, can cause a nobleman to be arrested, without signifying the crime he is guilty of, and a previous citation—unless he be a robber, and have been three times impeached by his associates, or be surprised in any crime *ipso facto*, or, lastly, when he cannot, or will not put in bail. A nobleman is subject to none but the king: however, he is not obliged to appear before his majesty out of the kingdom, when cited on any cause, unless it be to the royal treasury, but must be judged in Poland. All ecclesiastical dignities and civil posts in this kingdom, are to be held only by the nobility. None but noblemen are qualified to be proprietors of estates, except the burghers of the cities of *Thorn, Cracow, Wilna, Lemberg, and Lublin*, who have the privileges of purchasing lands. Any nobleman may purchase a house, and live in a city or town, but he must then submit to serve municipal offices; and if he is concerned in trade or commerce, he forfeits the privileges of a noble Pole. Every nobleman has a vote in the election of a king, and is even qualified to wear the crown, if he be raised to it by the free choice of the rest of the nobility. All

that any man who had reasoned even in a cursory manner, could bring himself to adopt the doctrine in good earnest. But when the mind is once put into a certain train, it runs on of itself, and the understanding is not at leisure to attend to all the circumstances that it ought to observe: but as nothing can be more prejudicial to truth, or has a greater effect in imposing on the minds of inattentive readers, than these vague and indefinite phrases, it becomes necessary to expose them.—On this account I think it incumbent on me to pursue this subject a little farther.

If we can say that any nation, or part of a nation, is *effectively* represented in the supreme sovereignty of the state, and that their liberties are effectually secured, if these people and the legislature, whatever they be, are all members of one community, &c. and where no measures of importance can be adopted by the sovereignty with respect to the other classes of the people, the consequences of which will not be felt by them either immediately or more *remotely*; it would be no unreasonable stretch of fancy to say, that, according to this definition, there perhaps never was, or ever will be a government in which the people were not free; for I do not think it possible to suppose a case in which the person or persons who hold the supreme authority are not of the *same community*† with the

civil causes relating to the nobility are tried in the provincial courts of judicature; but if a nobleman commence a suit with the farmers of the royal demesnes, a commissarial court is appointed to terminate the dispute.—*Busching's Geog.*

Among other privileges, the nobility here (this is in Courland, an independent province of Poland) have an unlimited power over their vassals, which extends even to life and death; but before they can punish a vassal with death, they are obliged to hold a regular court under a penalty of one hundred florins (5*l.* 16*s.* 8*d.* Sterl. hence the price of a vassal's head is the above sum). Hence the respect the peasants shew their lords rises almost to adoration; and whatever property these arbitrary lords require, the wretched vassals are obliged to give up, and immediately obey their commands without making any remonstrances.—*Ibid.*

† I am aware of the use that is intended to be made of this phrase, *the same community*; I will therefore ask, What is a *community*? Is it not a body of men united under one confederacy or government, and subjected to one system of laws?

people they govern, and must in some near or remote way be affected by the prosperity or adversity of the state—in which sense, the most absolute sovereign that ever sat upon a throne might be styled the *effective* representative of the whole people; for whether he himself may see it or not, his *real* interest is undoubtedly connected with the prosperity of his people.

I am fully sensible that this could never be meant to be asserted by any sober person; but if it cannot be inferred from the definition above given, I do not understand it, and I beg that the precise point may be specified where effective representation ends, and tyranny begins.

The result of the whole of this tedious investigation is, That the phrase *effective representation* must be abandoned as indefinite and absurd, calculated only to amuse the speculative, or mislead the ignorant; that a very great majority of the common people in Britain *never* were represented in parliament, nor *ever* gave their assent in one way or other to any of the laws to which they are subjected; that nevertheless it is in general believed, that these people enjoy as great a share of political liberty as any others under the sun;—If this is so, the necessary inference is, that representation in the legislative council of the nation does not constitute the essence of political liberty.

I might here finish these remarks on the subject of *representation*, having really discussed all that relates to it in the British constitution: but as it is of importance for the inhabitants of this free state to have a distinct idea of every circumstance relating to this delicate subject, which is so often employed by the artful to impose upon the ignorant and well-intentioned members of the state, I cannot be too particular in developing every circumstance that relates to it.

It may possibly be objected, that although it should be allowed that the members of the house of commons are not in good earnest representatives of the commons of Great Britain, and although it be granted that all the lower ranks of people neither have nor ever had any representatives in parliament, this only proves that our political liberty is not compleat, and that this faulty representation is a defect which ought to be remedied, if ever we hope to attain

the highest degree of freedom that a nation can ever wish to enjoy. Let us examine if this sentiment is well founded or not.

As the parliament constitutes the supreme legislative council of the nation, which is authorised to judge of the fitness of those laws that are to be binding on the community at large, the qualities most necessary for these senators to be possessed of, are sound judgment, extensive knowledge, liberal principles, and enlarged views of political matters,—so as to be able to comprehend not only the immediate effects of any proposed law upon every different class of citizens of the state, but also to foresee its more remote influence on the manners and dispositions of the inhabitants;—incorruptible integrity, firm and undaunted resolution, boldly to maintain the truth on all occasions against any opposition, and a heart warmed with benevolence to mankind in general, that disdains to favour any particular sect or order of citizens above another, but with a rigid impartiality distributes justice to all, without favour or prejudice, from the king upon the throne to the beggar on the dunghill.

These are the principal qualifications that we ought to wish those to possess who are exalted to the honour of becoming the legislators of a free state. That mode of election, therefore, will be the best, which in all human probability is most likely to exalt the greatest number of men possessing these qualifications, to this important office.

Now I ask any unprejudiced person, Whether he thinks that a number of independent gentlemen, who are to give their suffrages for one of their own number whom each of them is personally acquainted with, will be most likely to judge properly of the qualifications of a person to serve in parliament, or an immense multitude of common people, who can neither know what are the proper qualifications that ought to recommend a candidate to their notice, nor to judge with the smallest appearance of impartiality which of these candidates is possessed of these qualities in the highest degree? The case needs but to be fairly stated to obtain a definitive answer: but if a stronger proof were wanted, the experience of what happens daily with regard to the English burghs would be more than sufficient to answer this pur-

pose. I do not expect that any set of voters shall be altogether unbiassed in all cases by sinister motives; all that can be expected in human affairs, is, of two evils to chuse the least.

In the above case I have supposed that voters of both kinds are to have the same liberty the present voters have, of chusing people in independent circumstances; but were we to have recourse to the primitive natural idea of representation—that is, that every order of citizens in the state should send certain representatives chosen *from among themselves*, who being made acquainted with the peculiar wants of their own class of citizens, and being instructed by their constituents as to their sentiments on every particular that regarded themselves, should have it in charge to watch over the safety and welfare of that particular class of citizens to which they severally belonged, to promote every law that promised to be beneficial to them, and to oppose every thing that was hurtful, and in this manner to be the legal guardians and representatives of that class of people in the *true* and unequivocal sense of the word; such were the representatives of the burghs already mentioned at the beginning, when they were paid for their services by their constituents, and before bribery and corruption had begun to take place—As to that article, let us examine what would be the result with respect to the liberty of the lower ranks of people.

The first idea that presents itself when we survey a set of representatives in these circumstances is, that being necessarily persons of low rank, whose education must of course be narrow and confined, they would be incapable of forming a proper judgment of the benefit or hurt that would result from any law that should be proposed for their suffrages, and therefore might be easily imposed on by artful men to pass iniquitous laws, or by their own ignorance might pass others that were ridiculous and absurd.

I remember to have heard an anecdote of a bailie that had been newly elected into that office in one of the royal burghs in Scotland, who might probably have been one of the representatives in parliament had this method of electing still continued in force. Full of the importance of his new dignity, he proposed, like many other equally perfect patriots, to reform all the abuses of the go-

vernment of that burgh that had honoured him with their suffrages. When a private individual, he had felt that the malt-tax was a very heavy burden on the lieges, and therefore he moved in full council, that an act might be made by the provost and other bailies to abolish that heavy tax on the town, or at least to moderate it greatly.—Could we expect, that in his supreme capacity he would have acted with greater consistency?

Another inconvenience that would be immediately felt from such a system of representation, would be the great facility of corrupting the representatives. Men who are poor are more liable to temptations in this way than others; men who do not pique themselves upon principles of honour, will be less scrupulous in this respect than others. This is so plain as to need no illustration.

But let us for a moment suppose that heaven should work a miracle, and keep them all untainted by corruption, if the representation was compleat, every order of men must have distinct representatives for themselves, like the corporations in the royal burghs—taylor, shoe-makers, smiths, carpenters, farmers, sailors, merchants, and so on, through the whole order of crafts and artificers, each of whom should go to the supreme assembly with a firm intention to oppose every bill that could hurt his craft, and to forward every one that could promote it. Here, then, we are presented with an assembly of narrow-minded selfish zealots at enmity with one another, incapable by that very circumstance either of serving their constituents, or benefiting their country. For, supposing a bill was proposed that was materially to affect the taylor, the whole band of representatives of this class, it may be supposed, would strenuously oppose it with all their might; but as the weavers, shoe-makers, &c. and all the others would think what was got from the taylor would be saved from themselves, they would as keenly promote it, so that the bill must pass by a great majority; and in the same manner must every other money bill be passed, if a majority of votes determined it.

But the idea is so absurd of convening such an assembly for the purpose of legislation, that I ought to beg pardon of the reader for seriously offering to show the

harmful consequences that must result from such a species of liberty as some modern patriots contend for. At a superficial glance their system seems beautiful and well proportioned; when it is nearly examined, it appears beyond imagination ridiculous and absurd.

I shall not detain the reader longer on this subject but barely to observe, that in Sweden the people are possessed of the power of choosing representatives more nearly in this manner than in any other country; for there there is a distinct class in the legislative council for the peasants, and another for the artisans. Every one knows with what facility these representatives made a surrender of the whole liberties of themselves and their constituents to their prince.—Such a conduct might naturally have been expected from such a senate.

Such then, O my countrymen! are the consequences that you might hope to reap from that perfect representation of all ranks of people in the supreme legislative council of the nation, that is held forth to you as the only true standard of actual freedom.

I have thus, Sir, been at more than ordinary pains to investigate the nature and tendency of the popular doctrine of *representation* in every point of view, with all the coolness and impartiality possible. Upon the whole, I hope it will be allowed, that if I have demonstrated that the commons, by which I may be understood those ranks of people who are not possessed of landed property, are not, nor ever were *really* represented in the British parliament*, and that the term *effective* representation is a phantom of imagination which can have no influence in preserving the freedom of any political society; it must follow, that by far the greater part of the inhabitants of Britain are subjected to taxes to which neither they nor their representatives ever gave their consent; and hence, that the celebrated doctrine of taxation being inseparable from representation in a free state, with all the consequences that are derived from it,

* According to the idea of strict representation, it must be allowed that the burgesses in parliament are not true representatives of the burghs, as these are often men who have no sort of connection with these burghs, and are not so much as personally acquainted with one member of the community they represent.

must fall to the ground—if Britain be allowed to be a free state.

Again: If it be allowed that the subjects of Britain were represented in parliament many hundred years ago exactly in the same manner as they are at this day, which it is presumed cannot be denied by any confederate person; and if it be allowed that, during that period, princes have sat upon the throne who were as absolute lords over the lives and property of their subjects as any potentate in Europe at this day; and if the parliaments of these princes were the servile tools of the sovereign, by means of whom he more effectually established his arbitrary sway, which will be denied by none who are acquainted with the history of their country,—it must follow, that the liberties we enjoy at present are not derived to us from the kind of representation we possess, but must arise from some other principle that has not been yet explained.

And, finally, if facts are to be trusted, or the reasoning above can be relied on as just, it must be allowed, that were the lower orders of people more perfectly represented in parliament, our liberties would be much less perfect, and the continuance of it much more precarious than at present.

I am sufficiently aware, that the conclusions I have been obliged to draw from this accurate investigation of the subject of representation, are so directly contrary to the general opinion on that subject, as will be apt to make many of your readers imagine I have been at pains to disguise circumstances with a view to make them correspond with some favourite theory of my own,—a kind of deception too common in party disputes. I flatter myself, however, that those who take the trouble to attend with care to these arguments, will easily see that this is not the case; and I shall be glad if any one who perceives any fallacy of argument, or misrepresentation of fact, will take the trouble of pointing them out, that the errors arising from these may be corrected. But as I undertook this essay with a view to discover the truth, if possible, I am determined to follow that where-ever it may lead, without regard to persons of any sort, and without any deference to vulgar prejudices, however they may have been sanctified by length of time, or other circumstances.

What has probably contributed great

ly to mislead the inhabitants of Britain in this particular, has been the manner in which the members of the lower house of commons are elected. The law and custom of the country has ordered that these shall be chosen by a certain body of men, dispersed throughout the whole kingdom. This has so much the appearance of an election of a deputy by any other community to act instead of the whole on any particular occasion, having powers for that purpose, and particular instructions by which he should govern himself, that people have naturally fallen into the idea, that the person so chosen is actually such a deputy, or, in other words, the real representative of that particular community.

This, however, is not the case. The constitution of this country has vested the supreme legislative power in a certain number of the members of the community, a large proportion of which persons are only vested with that authority for a limited time; and the same law has declared, that when that power is at an end, a certain class of the citizens shall be authorised to elect new members in the stead of the old.

It does not follow, that these members of the council are the representatives of the electors, no more than it follows, that the emperor of Germany is the representative of the different electoral princes, the Pope of the college of cardinals, or any other magistrate whatever, of the body of the people who are authorised to nominate him. All that can be said of these cases is, that certain offices have been judged necessary for the good government of these different countries, the persons who fill which are vested with certain privileges and powers, and that some particular class of persons in the state have the exclusive privilege of nominating who shall be appointed to exercise this office.

When the order of representatives for knights and burgesses was first instituted, it is probable they were deputies, or representatives in the *strict* and *literal* sense of the word. Their sole business was to grant supplies in the name of the communities who chose them, and they were probably fully instructed by their constituents as to this particular, and expressly limited by them as to the real amount of the supplies to be granted by each, which they could on no account exceed.

But as the ideas of political jurisprudence began to be developed, it was found necessary that these, in concurrence with the other orders of the state, should be vested with a *supreme legislative power*, which should be binding on the whole community in all cases. These were then not only to impose taxes on their *own particular constituents*, but to enact laws to answer all emergencies that should occur. From this time they could no longer be considered as the agents or deputies of a particular set of men, subject to their controul, but as free agents, who were authorised to deliberate, and to act with perfect freedom in all cases, according to the best of their judgment, being subjected only to those great and immutable laws of the community which had prescribed invariable bounds to the authority of the several ruling powers of the state.

This being the case, nothing could be productive of worse consequences than for our members of parliament to consider themselves as deputies for certain districts, whose interest they were bound in duty to promote, even at the expence of other parts of the country. These are, if you please, representatives of the state at large; not only their own constituents, but every individual member of the community intrusting into their hands, and the other ruling powers of the state, every thing that relates to their political welfare, under such restraints and restrictions as the community at large in their great wisdom have thought fit to impose. On these accounts, there can be no doubt that should a member of the British senate knowingly and wilfully be aiding in procuring any advantages for his own particular district, or for those set of men who elected him to that dignity, to the general prejudice of the community, he would be guilty of *treason to the state*,—he would betray the trust reposed in him, and ought in justice to be punishable for the crime. He is the legislator of the *whole community*, every member of which has an equal right to expect impartial justice from him as well as from any other member of it, and those only perform their parts properly in this important sphere, who consider it in this extended view.—Unhappy would it be for Britain, if the majority of these members should ever come to think in a less liberal manner.

What has probably helped to confirm the people in their delusion about representatives and taxation, is the vulgar prejudice so often retailed in conversation and writings of almost every sort, that it is the house of commons who grant the supplies for government.—Nothing can be more false than this opinion. No law whatever can be enacted in Britain without the concurrent voice of all the three members of the legislature, king, lords, and commons; nor are the money bills any exception to this general rule. These laws are enacted exactly in the same manner as every other law whatever, with this only difference, that these must originate in the lower house, an *etiquette* of no sort of consequence in itself; for if the commons have a power of putting a negative on any bill that comes from the other house, their power of preventing these bills from passing into laws is as great as if they should reject them before they went to the house of peers; and if the peers have a power of rejecting any bill that comes from the house of commons, they have surely as much power over them as if they had originated in their own house. But, as the supplies cannot be granted without the concurrence of the house of peers, with what shew of justice can we say that these are granted by the commons more than any other law? All laws must be enacted, and all supplies be equally granted by *both* houses of parliament, so that there is here a distinction without a difference.

In support of the idea of the members of the house of commons being *real* or *effective* representatives of the people, and that our liberties are secured chiefly by this means, it has been asserted, that our representatives cannot impose taxes on any of the members of the community without at the same time being taxed themselves: but this is not true.—There is nothing to hinder them *as representatives* (were there not other checks provided by the constitution to prevent this unjust exertion of power), to impose heavy taxes upon one body of the citizens and exempt others; nothing to prevent them from freeing themselves and their constituents from all burdens, and levying the whole from the people; nor need we doubt that they would be slow to exert this power were they not controuled, not by their constituents, but by other more powerful bulwarks of

our liberty, which the wisdom of our forefathers has known to provide for us. In some trivial instances, they have been allowed to exercise this privilege where it could be of no importance to the security of the other orders of the state, as in the privilege of getting letters carried free, and some other trifling immunities; but in greater matters there are other barriers laid in their way, which, it is to be hoped, they will never be able to surmount.

Having thus cleared away some rubbish that lay in our way, which has been often employed to raise a dust to perplex those who investigated this subject, I shall now proceed to endeavour to investigate the nature of those particulars that constitute the essence of political freedom.

“THERE is no word,” says Montesquieu*, “that has admitted of more various significations, and has made more different impressions on human minds, than that of *liberty*. Some have taken it for a facility of deposing a person on whom they had conferred a tyrannical authority; others for the power of chusing a person whom they are obliged to obey; others for the right of bearing arms, and of being thereby enabled to use violence; others for the privilege of being governed by a native of their own country, or by their own laws. A certain nation, for a long time, thought liberty consisted in the privilege of wearing a long beard. Some have annexed this name to one form of government, in exclusion of others. Those who had a republican taste applied it to this government; those who liked a monarchical state, gave it to monarchies. Thus, they all have applied the name of liberty to the government most conformable to their own customs and inclinations; and, as in a republic, people have not so constant and so present a view of the instruments of the evils they complain of, and likewise as the laws seem there to speak more, and the executors of the law less, it is generally attributed to republics, and denied to monarchies. In fine, as in democracies the people *seem* to do very near whatever they please, liberty has been placed in this sort of government, and the *power* of the people has been confounded with their *liberty*.”

* *Spirit of Laws*, Lib. XI.

"But political liberty does not consist in an unrestrained freedom. In governments, that is, in societies directed by laws, liberty can consist only in the power of doing what we *ought to will*, and in not being constrained to do what we *ought not to will*.

"We must have continually present to our minds the difference between *independence* and *liberty*. *Liberty is a right of doing whatever the laws permit*; and if a citizen could do what they forbid, he would no longer be possessed of liberty, because all his fellow-citizens would have the same power."

I have quoted this passage at large, as it contains the opinion of one who will not be accused of favouring tyranny of any sort, or of being disposed to undermine the natural rights of mankind. And indeed reason, without any human authority, must plainly teach every considerate person, that political freedom cannot possibly exist in any state where *an intire submission to the laws* is not exacted from every individual. Those, therefore, who pretend that every individual has an unalienable right of judging of every law, and of opposing by force of arms such as they may think improper, maintain a doctrine that is altogether incompatible with the existence of any political society, as it totally destroys the only band of union by which individuals can be connected together, and mutual safety be produced.

Hence it follows, that in judging of the propriety of conduct of any individual, or of any combination of men that may be formed in a civilized state, we must have recourse to the laws of that particular state, by which all persons accused of crimes or misdemeanours must be tried, and acquitted or condemned as these shall direct:—For, should we allow that any person in the state could be tried and condemned by any other means, we would destroy that security that every member in a free state ought in all cases to enjoy. A man in a well governed society can be guilty of no crime, for which he could with equity be punished, unless he could have known and avoided that crime, if he had so inclined; but it is impossible for any man to know what is a crime, or what he may forfeit by the commission of it, except in so far as the law has defined and ascertained it;—therefore he that has not transgressed the laws of his own native

country cannot possibly be guilty of a political fault; and he who transgresses these laws in any one instance, has been guilty of a crime, and ought in justice to suffer the punishment that the law has inflicted on those who have been guilty of that transgression.

It will easily occur to the reader, that the natural inference to be drawn from the premises is, that, judging of the present American dispute, we must be *intirely* guided by the *laws* of Great Britain, and find the parties accused innocent or guilty, according as they may have adhered to, or violated these laws. Nor can they, as members of a political society, have recourse to any other criterion of justice whatever.

But although the argument is without doubt conclusive, if considered merely in this point of view, without any farther explanation, yet, as it has somewhat the appearance of harshness and severity, to reject in such a summary way the appeals that may be made to the principles of natural equity, the original rights of mankind, and many other topics that are well calculated to catch the attention of the unwary, and to claim the warm applause of the humane and the good, it is proper that we should enter into the argument a little more minutely, that we may have an opportunity of clearing the minds of the inconsiderate from prejudices—of distinguishing with accuracy the true boundaries between liberty and licentiousness, and of asserting and defending, upon the true basis of equity, those invaluable privileges that we now possess—Privileges which, as they never were equalled in any other age or country, it behoves us to watch over with the most jealous circumspection, and not to suffer ourselves heedlessly to abandon either, in compliance with the encroachments of power, or the delusive fascination of sophistical reasoning.

The Romans had imbibed such a deep-rooted aversion to the name of *king*, that no length of time could ever reconcile them to it, so that when they had even lost all pretensions to freedom they could not bear to submit to one who should assume that title, and Augustus was obliged to adopt one less obnoxious to popular prejudice. In like manner, the people in Britain having, after a long and violent struggle, freed themselves from the tyrannic sway of a set of de-

spots w
most al
justice
version
culcate
tyranni
abhorre
these h
this ac
mind
takes t
uncontr
aminin
lodged
of iuc
tent w
gines
ever it

The
spirit
neral
good
it eve
sible f
witho
cesses
grant
these
we w
it be
perfo
and t
coun
right
effe
of ev

O
man
socie
such
pow
com
bind
mun
sible
sytle
all o
it b
men
sup
pow
tim
bei
tha
hav
ver
the
sup
er
sta

spots who wished to abase them to the most abject state of slavery, have with justice entertained a most insuperable aversion at those pernicious doctrines inculcated by the wretched tools of these tyrannic princes, so as to entertain an abhorrence even at the terms which these have been obliged to employ. On this account, the generous and candid mind of a free-born Briton naturally takes the alarm at the sound of a *supreme uncontrollable* power, and, without examining minutely where this may be lodged, is apt to think that the exercise of such a power is altogether inconsistent with freedom, and therefore imagines that he ought to oppose it wherever it may be met with.

There is something so amiable in the *spirit of liberty*, and so friendly to the general happiness of mankind, that no good man can ever be offended at seeing it even carried to excess. It is impossible for its full influence ever to be felt without meeting with these amiable excesses on many occasions.—May heaven grant that the time be far distant when these shall begin to subside! But while we wish to cherish the spirit of freedom, it behoves every calm and dispassionate person gently to moderate these excesses, and to lead the minds of his benevolent countrymen back again to the path of right reason and sound sense, the only effectual road to freedom and happiness of every sort.

On these principles, it is fit that every man should be informed, that no political society can possibly exist without having such a supreme and uncontrollable power vested in some members of the community; for, as the laws must be binding upon every member of the community at all times, and as it is impossible for any human wisdom to invent a system of laws that should be proper for all orders of society on every occasion, it becomes necessary to appoint certain members of the community to have the superintendence of these laws, with full powers to enact such as they may from time to time see necessary for the well-being of the state, and to repeal those that by a change of circumstances may have become useless or pernicious. Never was there in the world a state (and there never can exist one) in which this supreme uncontrollable legislative power was not lodged *somewhere*. Different states have thought proper to vest this in

different orders of the citizens, and have prescribed different rules for the exercise of it as best suited the views or circumstances of the legislators, or original inhabitants of these several states; but, with whomsoever this power was intrusted, their decrees were absolutely binding on every member of the community, nor had any one the power of resisting these decrees, *when legally made*, without being guilty of treason against the state.

Our forefathers have thought proper to intrust the exercise of this important power jointly with the king, lords, and commons in parliament. Whether they have judged wisely in this respect, is perhaps less necessary to be here inquired into, than to see upon what conditions they are intrusted with this extensive power.

There can be no doubt but that, as all political societies have been instituted for the good of the community at large, the aim of every kind of government ought to be to protect and give security to every individual of the state; and those governments that do this in the most perfect manner, best answer the purpose for which these were instituted. The safety of the *people**, therefore, ought in all cases to be the ultimate aim of every law whatever. But as it becomes necessary in every political society that power should be intrusted somewhere, and as it is too natural for those who are intrusted with authority to wish to extend it beyond its proper bounds, and to pursue what may be agreeable to themselves, although it may be hurtful to other members of the community, there is always danger that the just rights of the lower ranks of people will be sacrificed to the desires of those in a higher sphere, unless they are at all times preserved by the most uninterrupted attention, as well as the highest wisdom, in settling the terms on which they are originally intrusted with that authority.

It has been with a view to obviate these inconveniencies, that the original legislators, or first members of every community, have divided these high of-

* By the term *people* must here be understood the community at large, including persons of all ranks and conditions whatever. Liberty is equally precious to all orders of men, and a legislator who wishes to favour one order of citizens more than another, discovers a narrowness of soul that renders him unworthy of occupying that exalted station.

fices of trust among different members or orders of the state, prescribing particular bounds to the jurisdiction of each which they may in nowise transgress, and often limiting the time they might be in office, establishing rules for the election of successors, and adopting other contrivances for checking the power and limiting the authority of each, so as to prevent them from oppressing the body of the people.

These original laws of the community being once fixed by legislators authorised for that purpose, or by the general concurrence and approbation of all orders in the state, and having acquired every sanction that human authority can give them, become a set of fixed and immutable laws, which unite the scattered independent individuals of which the nation consisted into one political whole, to which system of laws we in modern times have given the appellation of the *constitution* of a country, to the observance of which every individual of the state is bound by the most sacred ties most strictly to adhere; nor can any one who infringes these in any case be intitled to any of the benefits that result to that society from their political union, but is, *ipso facto*, an outlaw, whom every member of the community, or all the other members may, and ought to resist to the utmost of their power.

In this manner do the free members of a state provide for their own security and that of their descendants: for although it is absolutely necessary that the supreme legislative authority shall be intrusted with some select number of the citizens, and although the decrees of this legislative council must be binding upon every member of the state when *legally enacted*, yet if the whole, or any part of that legislative council shall assume powers with which they are not vested by the constitution, they are no longer the legislators of the state, but usurpers, and therefore all their decrees are of none effect.

It was by transgressing these laws that the Decemvirs of Rome became a set of arbitrary tyrants, and therefore the people were justified for the violent manner in which they were expelled. The senate and people of Rome, from particular circumstances, found it necessary to invest these Decemvirs with a new and unaccustomed power, for the sole pur-

pose of composing a new code of laws, and nothing else; but power, as usual, begot pride, and all the selfish passions. They assumed to themselves not only the legislative, but the executive power, and extended their dominion far beyond the limits to which they were confined by the original commission with which they were invested, and became the most insolent set of tyrants that were ever known to assume dominion over a free state. At length, however, the shameful outrage attempted by Appius on Virginia roused the spirit of the people, and they hurried them to that destruction that their crimes had so justly merited. They had assumed powers contrary to the law, and had set themselves above it, so that it neither was necessary nor expedient to hope for a legal redress; they were no longer members of the community, but intruders, who aimed at no less than the destruction of the state, and therefore the law of self-defence gave every one a right to destroy them.

Similar to this was the crime of Sylla, which he practised with better success at an after-period in Rome. By the constitution of the Roman state the senate had a power of nominating, upon extreme emergencies, a magistrate endowed with the most unlimited authority, whom they called a *Dictator*; but the same constitution had limited the duration of that authority to six months only. Sylla, however, being once invested with that authority, found means to continue in it for many years, till he at length voluntarily resigned it, after having exercised it with the most unrestrained cruelty; but Rome was then hastening to destruction, and was not possessed of that daring spirit of liberty that made all ranks of people voluntarily venture their lives in defence of the wounded constitution of their country, on the preservation of which all their liberties depended. Sylla retired peaceably into the state of a private citizen, after being wearied out with murders and devastation, and by his example showed that Rome was fitted to receive a master: nor was it long before he found a successor,—and that state which, while it preserved its constitution inviolate, was the astonishment and terror of all the world, after it once allowed that to be infringed, quickly became a scene of the most violent excesses of every sort,

which
tance o
ror.

Nor
Britain
disturb
have b
therto
be as c
poster
to us!
of the
that r
witho
king,
The a
by the
mone
direc
those
posed
true
defen
with
the
they
sure
valu
B
obli
mee
cou
this
cou
pra
stra
the
unj
pos
feli
rit
stit
th
aff
fel
in
fe
da
vi
bi
th
d
th
f
c
t
r
t
t

which the mind cannot, even at this distance of time, contemplate without horror.

Nor has the constitution of Great Britain been allowed to remain undisturbed; but happily the attempts that have been made to ruin it have been hitherto opposed with success. May we be as careful to preserve it inviolate to our posterity as our predecessors have done to us!—It has been long admitted as one of the first principles of our constitution, that no municipal law can be enacted without the joint concurrence of the king, and both houses of parliament. The attempt, therefore, that was made by the king in the last century, to levy money by his own sole authority, was a direct violation of the constitution, and those patriots who so strenuously opposed it, showed that they possessed the true spirit of liberty, and their names deserve to be transmitted to posterity with the most distinguished honours, as the noblest asserters of freedom, which they wished to establish upon its only sure foundation—the preservation of our valuable constitution.

But mark the consequences of being obliged to have recourse to violent remedies on any occasion. Nothing could be more just or necessary than this opposition to the measures of the court. But men were no sooner in the practice of making the supreme magistrate submit to their demands, than they were seized with a like desire of unjust dominion as that which they opposed; the parliament assumed to itself an independent dictatorial authority, as contrary to the laws of our constitution as that which was claimed by the king, and, by rendering their own assembly perpetual, they as effectually set up a tyranny in this state as Sylla did in Rome. But happily they were opposed by a tyrant as cunning and more daring than themselves, who, after having made them the tools of his ambitious designs, summarily dispersed them; nor was it till after the prejudices of the nation had time to subside, that sober reason began to assume her sway, and make men of sound sense perceive the very perilous state their liberties were in, who, by a well-timed effort, restored the government to its former powers, and vested, as far as in them lay, every order of the state with their original constitutional privileges.

Since, then, the efforts to restore a violated constitution to its former state are attended with so much danger, even when conducted with wisdom and discretion, it behoves every real friend of his country to be extremely attentive in observing the first defections of those in authority towards absolute sway, and, in time, oppose it by such gentle means as the constitution has provided for that purpose; but on no account ought he to attempt to have recourse to violent means of redress, till there is the most satisfactory proofs that the real and essential laws of the constitution have been expressly violated, and till every other possible mean for obtaining redress has been tried in vain, and it appears that there is no probability that time, or a change of circumstances, will ever produce the desired effect.

I have been induced to enter into this minute explanation of the meaning of the word *constitution*, from having observed that most persons who speak or write upon this subject have no clear idea of what it means, nor are able to make a distinction between *passive obedience* and *non-resistance* to the will of a despot, and that intire submission to the laws of the community, which is absolutely necessary for the very existence of a political society. As it is of much importance that those whose minds may have been warped by prejudices imbibed in early youth, should be set right as to this particular, too much pains can hardly be taken to render this subject as plain as possible.

It appears, then, that in every state there are two distinct sets of laws: One that relates to the regulating the form of government, limiting the number of offices of trust belonging to the state, prescribing bounds to the jurisdiction of each, and, in short, regulating the whole political œconomy of the state; which some philosophers have distinguished by the name of *political law*.

The other relates intirely to the distribution of equity between man and man, and promoting the peace and safety of the individuals of the state, which has been distinguished by the name of *civil law*.

It is of the most primary importance, that every one who wishes to attain a distinct idea of political liberty, should carefully distinguish these from one another; because, if this is not done, the

mind is constantly tossed from one extreme to another, as it can distinguish no intermediate step between unlimited submission to the ruling powers, and unrestrained licentiousness—both of them equally destructive of genuine freedom.

A familiar example will best explain the difference between these two different systems of laws.

Let us suppose a number of men have agreed to associate themselves into a community for the improvement of any one branch of commerce, or any other purpose whatever. The original members having met and agreed upon the general purpose that was to be aimed at by the society, either by themselves, or a committee of their number, compose a system of regulations—prescribing rules for the good government of the society, appointing certain governors or others to act in name of the whole community, giving them such discretionary powers for carrying on the business of the society, as they, in their own wisdom, think most proper for their well-being—limiting the time of their continuing in office, and settling rules for future elections, &c. &c. And after having approved of these by general consent, and published them so as to be known by all concerned, giving liberty to such as might chuse to enter into the society to be admitted upon complying with certain conditions prescribed for that purpose, and freedom to such as might chuse to withdraw when they should find it necessary, the society is perfectly formed, and is an exact pattern in miniature of the way of instituting the government of the state. The fundamental rules of the society form a system exactly equivalent to what is denominated the *constitution* of a state—to which no one is by compulsion obliged to accede; but to which, if he voluntarily enters, or continues a member, he is bound intirely to adhere.—The director, or governors, or those intrusted with the management of the business, whatever be their name, are equivalent to the civil magistrates of the state, and every rule or act of theirs, while they do not transgress the powers originally intrusted with them by the constituent rules of the society, are equally binding upon every individual member of it: Nor can any one free himself from implementing these acts, however much he may think himself aggrieved by them.

If the fundamental rules of the society have been well digested, there will have been certain checks provided to remedy violent disorders; if it has been injudiciously planned, or if any member becomes dissatisfied in any particular, or apprehends danger to himself from his connections with that community, he knows that in a country where law and justice are equally distributed, he must either abide by these consequences*, or avoid them by prudently withdrawing himself in time from that society: but, if it can be proved, that any of those intrusted with authority have exceeded the bounds prescribed by their original institution, every member can have recourse upon him, and he will be made liable for all the inconveniences that the society may have suffered by these transgressions.

Such are the plain dictates of reason and equity, to which every man of common sense must yield his assent, and such as are practised every day in the ordinary affairs of life: nor can there be any reason for making a distinction between these ordinary cases, and the more momentous affairs of state. They differ not but in name and magnitude,—in their nature they are essentially the same. By keeping these parallel cases continually in view, it will be more easy to form an idea of the subject now treated of, than by any other means that have occurred to me†.

* We have had in Scotland a very recent example of this in the fate of a noted society, many of the members of which are now labouring under severe hardships incurred by having been connected with a society whose fundamental rules were either not sufficiently well digested, or not strictly adhered to.

† Although this example may serve to convey a distinct idea of what is meant by the *constitution* of a country, the parallel between such a society and the government of a state could not be carried much farther without leading to error; because, in a private society, the small number of the members, the perfect knowledge that each of them may be supposed to have of the business in which they are engaged, and the controuling power of the laws of the country where such a society is formed, which can easily interfere and prevent any mischievous consequences that might arise from usurpation of authority, or disunion among the members, make a prodigious difference between the mode of governing or cor-

Every
nature
liberty
where
munit
cases:
laws of
of the
power
they f
bove a
memb
their p

On
the sta
duly e
was n
of jul
narch
will o
be the
hilatio

It i
power
blige
the c
trans
punis
possib
ly op
these

rectio
ty be

T
woul
majo
ciety
tally
busi
mod
estab
coul
tion
even
that
una
tain
dan
he
tion
wh
affi

ver
con
suc
no
un
as
in
pr

Every man who has considered the nature of government, must allow that liberty can only exist in those states where every member of the whole community is subjected to the laws in all cases: but were it not for these original laws of the constitution, those members of the society who were vested with a power of altering the municipal laws as they saw proper, would be intirely above all law, and therefore all the other members of the state would be slaves to their pleasure.

On the other hand, if every subject of the state were intitled to resist every law duly enacted by the legislature, when it was not intirely consonant with his idea of justice, liberty, &c. nothing but anarchy could prevail in that state: the will of every man would, in that case, be the only law,—which is a total annihilation of all government.

It is therefore just, that all the ruling powers of the state should be strictly obliged to adhere to the original laws of the constitution. If any one of them transgress these, he ought to be legally punished; or, if that should become impossible, his illegal usurpations may be justly opposed by force; but if they adhere to these rules, every act of theirs must be

recting abuses in that, and what can with safety be attempted in a sovereign state.

To bring the cases nearer a parallel, it would be necessary to suppose that a very great majority of the members of the mercantile society should consist of minors and others, totally incapable of judging of the nature of the business in which they were engaged; that no mode of convening a general council had been established by their rules; that no alteration could be made in the first laws of their institution, without the unanimous concurrence of every individual concerned in the society; and that, if any innovation was made without this unanimous consent having been previously obtained, the innovator should be liable to all damages that might ensue from thence, and he and his heirs be liable to endless prosecutions by every member of the society, against whose unceasing attacks the law was able to afford no protection.

Such, it is evident, is nearly the state of every political society under the sun. The common people, who are the bulk of every such society, may be justly compared to minors, in civil affairs. They have been born under, or have voluntarily entered themselves as members of the community they are in, the institutions of which they at least tacitly approve of. If these institutions are to be al-

binding upon each individual of the state, and every one who opposes these is, *ipso facto*, a rebel to the state, an enemy to the constitution of his country, and is justly liable to all the penalties that the laws have decreed for that offence.

But as governments are often instituted by rude and uncivilized nations, their original institutions have been in many cases imperfect: The views of the legislators have been narrow and confined, and they have not foreseen, or been able to guard against the various inconveniencies to which they, by their original institutions, were subjected. The exercise of the different offices of the state have been often incongruously united,—the boundaries of the jurisdiction of each magistrate have been undefined; the original institutions themselves having never been committed to writing, or duly promulgated by authority, have never been with certainty known by the members of the community; all that they had in their stead, is certain traditional rules or immemorial customs which those in authority have known how to pervert; and, as in these cases, it is almost impossible for any one to perceive exactly when these rules have been transgressed, the liberties of the people have been gradually infringed, and the severest absolute monarchies that now appear in Europe have sprung up in their stead,—whose princes have all along aimed at confounding together the two species of laws above-mentioned, so as to make the doctrine of *non-resistance*, so justly applicable to *civil* law, be extended to the *political* law—A cunning piece of policy, which has but too universally been attended with success.

tered, every individual has a just right to have his own opinion followed; and if any one shall force him to adopt another that he disapproves of, that man is but an individual like himself, and can have no authority over him, so that he may justly oppose it with his whole power; the society is virtually dissolved, and he may follow any plan that may appear best to him for establishing another. Hence it must necessarily follow, that the state will be rent into destructive factions. Recourse can be had to no law but that of the strongest. The weak will submit only till they recover strength to renew hostilities, and endless war and bloodshed must be the consequence.—The history of our forefathers affords us too many examples of the justness of these observations.

Happily Great Britain is an exception to this general rule: for although, like other barbarous nations, her first institutions were imperfect, in consequence of which innumerable contests have arisen, and much blood has been spilt in endeavouring to settle the undefined privileges of the several ruling powers; yet these very contests, although extremely pernicious to the nation at the time in their immediate effects, by preserving the spirit of liberty in the people, which, although suppressed at times, was never totally annihilated,—have prevented us from ever allowing these two systems of laws from being confounded with one another, and enabled us, with a becoming spirit, to resist the attempts that have at different times been made to cause the people tamely crouch to the rod of power.

It would be a long, though not a disagreeable task to trace the various steps by which our constitution has gradually emerged from darkness, and been at length matured into that perfect and well-proportioned system of which it now consists; but it is foreign from my present purpose. It is enough for me here to observe, that the political law of Great Britain was finally settled, as to all the disputable particulars of it, at the revolution, and the bill of rights having ascertained and declared what that law is, every member of the community has it in his power to be as fully instructed as to it, as any other law whatever; so that all room for disputing about it is at an end, and every man is able to judge with the utmost precision of the legality of every step taken by any of the ruling powers of the land, if he is at the trouble of examining them with an ordinary degree of attention.—An advantage that no other nation did ever heretofore enjoy in such an eminent degree, which is attended with consequences the most salutary to the state.

But it is not enough that the law should be known: it is likewise necessary that means should be adopted for enforcing that law, or for preventing the transgression of it as much as possible in the *ordinary course of business*; for the experience of all nations sufficiently shows, that if the ruling powers have no other check upon them but the resistance of the people to their unjust decrees, the end of that nation is at hand. No wise man, therefore,—no man who has the

real liberties of his country at heart, would ever wish to promote that spirit of turbulence among the people. If the constitution is so crazy as to admit of no other means of saving it on *ordinary occasions*, it is not worth while to be at the trouble of attempting it.—Inevitable ruin must in any case ensue.

This, however, is far from being the case with the British constitution. Like every sublunary thing, it has, no doubt, its defects. The members of the state are, like those of other states, liable to be corrupted—to be swayed by passions and prejudices on many occasions; to be wicked and foolish; but the different orders of the state are so justly poised—the interests, the passions, the very vices as well as the virtues of each, are so properly opposed to one another, that they in a great measure countervail the mischievous effects that might naturally be expected to arise from these. It has been said, that *the folly of man worketh not the righteousness of God*: perhaps this could hardly be better exemplified than in the British constitution, as the most fordid vices to which the human heart is liable are, by a judicious arrangement of circumstances, rendered subservient to the most beneficial purposes, and form, perhaps, the strongest barrier that could be invented against the baneful influence of these very vices.

At first sight it would seem, that as the sovereign of Great Britain can do nothing without the advice of his council, which is usually composed of men of the greatest abilities, integrity, and extensive property, indiscriminately chosen from among all ranks of eminence in the kingdom, whose descendants must be involved in the general misery that would be produced by any improper measure adopted by the crown, and who are, besides, liable to be impeached, and answer with their lives the consequences of any improper advice they may have given,—that the supreme legislative council, although in its corporate capacity (if you will permit that phrase) it is unlimited in its authority, yet as every member of it, as an individual, is subjected to its decrees, and as, moreover, all those who constitute the lower house of parliament, after a few years lose their rank of senators, and become private citizens again, there would be little danger that any improper law would be enacted, or any

undue exertion of authority permitted, when those who were obliged to concur in it have such powerful reasons to prevent them.

But the sense of immediate advantages sometimes so far predominates above the fear of future inconveniencies, that there is danger, on many occasions, that all these powerful ties might be broke through, were they not counterbalanced by other more touching considerations.

The remote consequences of laws are sometimes so different from their apparent tendency at first, and artful men know so well how to cover the most insidious designs by plausible prettexts, that were there not provided a never-failing guard, stimulated by the most powerful motives to exert their genius to the utmost—to sift every motive of action in the ministers of the crown with the most unceasing assiduity, and to expose every fraudulent design to the view of the public, painted in all its most frightful colours,—there is no doubt but our liberties might be undermined before we were aware of it, and we might only feel that we ought to resist, when we were already deprived of the means of availing ourselves of that resistance.

Such a phalanx we have at all times in readiness in that illustrious band of patriots in parliament, distinguished by the name of the *minority*; a set of men who can never disappear so long as avarice and ambition shall retain dominion over the human mind: For as the emoluments of offices of trust are great, and as the exercise of power is very universally agreeable, those who are not in office, but ardently wish to be so, knowing that it is impossible to be employed while others hold the places they want, and knowing also that no method is so likely to succeed in turning them out as by showing the nation that they have been guilty of malversation, or abuse of power.—Every nerve is exerted to discover these: every unguarded word or action is greedily laid hold of, every fore is probed to the bottom, and nothing is allowed to escape that can have the most distant tendency to hurt the nation.

Thus is the fordid passion of avarice employed as the most powerful bulwark of the state, and an inordinate desire of dominion becomes the safest guard against the encroachments of arbitrary power.

Nothing can be attended with more

beneficial consequences to the nation, than this perpetual struggle for power among the higher orders of the state. Those intrusted with authority are by this means obliged to exercise it with lenity and circumspection; and although it always cannot be said that they who oppose them are in the right, or that the arguments they employ are not fallacious, yet it becomes so much the interest of both parties to have their own cause ably defended, that each encourages his own partizans to speak and write with freedom. It is to this circumstance we owe that unrestrained liberty of the press, as well as private debate, which so essentially distinguishes Great Britain from every other nation, and which is the most powerful preservative of our other rights and privileges that could ever be invented: for, although party-writers on either side strive perhaps to misrepresent the truth, yet men of sound sense and integrity will always arise who will weigh the arguments of each with care, winnow the grain from the chaff, and point out to the impartial part of the nation what is the real tendency of every measure that becomes the object of public attention. The uninfluenced part of the national council are thus fully instructed in what it concerns them to know, who, by throwing their own weight into the scale of justice, are able to make it preponderate against the most powerful attempts of those who may wish to oppose it*.

By these means the constitutional powers of the rulers in Great Britain are better ascertained, and more carefully preserved

* In consequence of this universal liberty of the press, and freedom of debate, the minister who holds the reins of government is under an absolute necessity of being in some measure agreeable to the principal part of the nation; for although we should even suppose that he could corrupt the whole members of parliament, so as to induce them to pass any laws that he might incline his difficulties do not end there. The parliament indeed vote the supplies for government, and appoint funds on which they may be raised; but, as ministers have been in the invariable practice of anticipating these supplies, they have thus thrown themselves in a great measure on the mercy of the society at large for the raising them. If the general sense of the nation, therefore, is averse to the minister, the public business must stand still in spite of the king and parliament; and there are not wanting se-

from violation than in any other state, ancient or modern; the iniquitous laws that might be passed by ignorant legislators more carefully guarded against than in any other nation, and a more easy and safe channel for the redress of any grievances that may incidentally depress any of the lieges, is opened, than in any other kingdom under the sun; so that we are under less temptations to have recourse to violent means of preserving our constitutional privileges, than any other free people ever were, and consequently have a greater chance of preserving our political freedom inviolate for many ages, if we have judgment prudently to avail ourselves of these privileges, and discreetly to enjoy that freedom we now possess.

By carefully attending to what has been already said, it will appear that when Urbanus asserts, "that every the minutest component part of the state in general, shall be free from every assent, and secure in the possession of every part of property, except by constitutional authority," the position is general, and just; but when he immediately adds this explanation of *constitutional authority*, "that is (says he), a direct or effective representation in parliament," he reduces the general rule to a particular one, which he holds up as the standard of justice, and thus renders his first position equivocal.

For nothing can be more certain than that the *constitutional authority*, in many countries, is not vested in the representatives of the minutest component parts of the state; yet there can be no doubt that the constitutional laws of these states are binding upon all its subjects. I have even demonstrated, I hope in a satisfactory manner, that this is actually the

veral instances of ministers having been obliged to resign merely on this account.

There are instances, likewise, of very recent date, of ministers who have been fully sensible of the importance of this principle—who have courted popularity at the expence of every valuable consideration to the state—who have passed iniquitous laws, calculated merely to enrich monied individuals, to induce them to contribute largely for raising those immeasurable supplies that were evidently calculated to ruin the nation—who enriched a few, to the general impoverishment of the state, and who amused the mob by a vain display of useless laurels, that, like the gaudy trappings of the victims of old destined for sacrifices, only

case with Great Britain; so that the inference he draws from the original justification, is directly contrary to justice.

It is in this manner mankind are often imposed upon by seemingly just reasoning. This is an art that has been well understood by *Sophists* in all ages of the world. I do not, however, mean to brand your correspondent with this opprobrious epithet; for I am convinced, he himself was imposed on by this specious reasoning before he endeavoured to persuade others to acquiesce in it.

I shall take this opportunity of pointing out another circumstance that has often become a source of error in this, and other disputes of the same nature: viz. Improperly quoting the opinions of learned men who have exercised their genius in disquisitions relating to government. These authors, in their efforts to discover what would be the most perfect form of government that could be invented, have adopted various hypotheses—have hazarded their conjectures with freedom, and have laid down such positions as to them appeared most likely to effect the particular purpose they had chiefly in view. Now, the practice of party-disputants in modern times is, to select such of these *hypothetical* positions assumed by these learned men as seemed most to favour the views of their

showed that they were marked out for certain destruction, had they not been rescued from his hands.

There are also a few instances of ministers who, after having raised the indignation of the nation against those in power for pursuing measures destructive to the state, have had the address to conciliate the good will of the people to these very measures after they were in power; but it must be owned, that instances of this amazing popular sway are but rare, and it is to be hoped the natural good sense of the nation will be able to prevent them from becoming common. As the effects of a temporary dominion of this sort must be long and severely felt by the whole nation, it ought therefore to be guarded against with care. This is perhaps the most dangerous political disorder to which our constitution is naturally exposed: it is only to be dreaded when a feeble and hopeless minority in parliament, overawed by the dazzling talents of a minister, are afraid to encounter him boldly on all occasions. When this ever happens to be the case, every good member of the state ought to be upon his guard. These are times of danger, and no man ought to trust his safety to the vigilance of another.

own party, and to quote them as *undoubted axioms*, applicable to all forms of government, which we are to refer to as invariable standards by which we may with certainty judge of the legality of any measures that may be adopted with regard to our own country.

It is hardly possible to invent a mode of reasoning more dangerous than this is; because, under the specious appearance of impartiality, by appealing to worthy men long since dead, who could not be influenced by those motives that may actuate ourselves, we withdraw ourselves, as it were, from the dispute, and leave these impartial friends of humanity to speak in our stead; but, by applying these passages to cases altogether different from what the original authors had in view, we make them *abet* doctrines utterly inconsistent, in many cases, with the views of these writers.

An instance of this sort occurs in the paper of Urbanus just now before me, who quotes this passage from Montesquieu [Mag. xxxi. 387.]: "In a free state, every man is supposed a free agent, and ought to be his own governor: *the legislative power, therefore, ought to reside in the whole body of the people*; but since this is impossible in large states, and in small ones is subject to many inconveniencies, *it is fit the people should execute by their representatives what they cannot execute by themselves*;" upon which opinion, as a basis, Urbanus infers that every man who is not represented in the legislative council of the nation, has a just right to oppose every law that may be enacted by the supreme legislative council of the kingdom in which he may reside.

To reason in this manner, however, would be giving an authority to the ideal conjectures of these philosophers greater than was ever claimed by any power on earth,—greater than even the sovereign pontiff of Rome himself, when in the highest plenitude of power, ever arrogated to himself, as it would suppose that the subjects of every dominion under heaven should be freed from their oaths of allegiance, and every tie of government be totally dissolved, whenever the principles of that government were not consistent with the ideal perfection that they had described.

Nothing, however, could be farther from the spirit of Montesquieu than such a doctrine. Too knowing to think

himself infallible, he reasoned with freedom, and often reasoned justly; but, like others, he has sometimes fallen into error. He gives his opinion without reserve, but proposes it as a law to none. Let us follow him where reason directs; but we would be the unworthy pupils of such a preceptor, if we did not differ from him when he falls into an error. In the passage already quoted, it is pretty plain that he has fallen into a mistake*; but if he had been perfectly right, it is sufficiently obvious that nothing could be farther from his intention than the inference drawn from this doctrine. No stranger to the infinite delicacy of the circumstances that may tend to promote the happiness or misery of political societies, and fully apprised of the risk that mankind run of losing all their privileges by any innovation of government, he seems to have been anxiously solicitous to prevent possibility of mistaking him in this particular, as he concludes his examination of the British constitution in these words, evidently thrown in as a caveat against it.

"Neither do I," says he, "pretend by this to undervalue other governments, nor to say that this *extreme political liberty* ought to give uneasiness to those who have only a moderate share of it. How should I have any such design? I who think that even excess of reason is not always discernible, and that mankind generally find their account better in mediums than in extremes.

"Harrington," continues he, "in his *Oceana*, has also inquired into the highest point of liberty to which the constitution of a state may be carried: But of him indeed it may be said, that, for want of knowing the nature of real liberty, he busied himself in pursuit of an imaginary one, and that he built a Chalcedon, tho' he had a Byzantium before his eyes."

This censure may be applied to many

* Like Aristotle, who of old formed precepts for an Epic poem from the example of Homer, Montesquieu is here tracing a perfect constitution of a state, from what he imagined the British constitution actually was. "It is not (says he) my business to inquire whether the English actually enjoy this liberty or not; it is sufficient for my purpose to observe, that it is established by their laws, and I inquire no further." How far the foregoing passage is consistent with the British constitution, will appear by a careful perusal of what has been already said on that subject.

more writers than Harrington. Let us not, therefore, be blinded by a submission to authorities, or misled by partial scraps culled from different authors, to pursue a phantom of imagination, while we lose sight of the real good we possess. Let us be at pains to preserve those essential blessings we indeed enjoy, and not turn off our attention from that main point, to matters of infinitely smaller moment.

Since, then, whatever is *lawful* must be deemed *just* in a political society, and since every thing is lawful that is consistent with the decrees of the supreme legislative council of the nation, when enacted in conformity to the laws prescribed by the constitution of the state, before we can determine whether the opposition made by the Americans to the obnoxious statutes is just in itself, or an illegal and rebellious insurrection, it remains that we should inquire whether or not these obnoxious statutes were legally enacted, in conformity to the original and acknowledged rules of the constitution of Great Britain. In pursuing this disquisition, I shall first be necessarily obliged to inquire into the nature of colonies and colonization.

[Since the above was written, I have read Urbanus's fourth letter, (Mag. xxxii. 107.) which is nearly on the same subject as above:—but I see no reason to alter any thing that has been written above, for what he has said—I mean not to adopt any thing of the declamatory stile,—I wish not to influence a single person but by the sober principles of sound reason. Unconnected as I am with every party, and desirous only of discovering what is just and fit for all persons concerned in this dispute, my aim is solely to inquire with deliberate coolness into the merits of the cause. Concerned for the liberties of the Americans, on the preservation of which the safety of Great Britain must in a great measure depend, I would wish, if possible, to save those from destruction who may be misled by precipitate councils, which will most effectually be done by throwing as much weight as possible into the scale of *justice*, that it may preponderate at once, and not remain long vibrating in uncertainty. The Americans may have many more able advocates than I am, but few who have their real interest more at heart.]

Of Colonies, and Colonization.

THE word *Colonies*, like almost every other word, has, at different times, admitted of different meanings.

Among the antients it usually denoted a community established in any particular district, which had come from some other district, forming a society totally independent of that state from which they originally migrated. Like a hive of bees, they left their parents, never more to return, or have any further dependence upon them. In this manner Carthage was a colony of Tyre, although at all times totally independent of that state.

Among the moderns it more usually denotes a new settlement, formed in some desert or thinly peopled country, under the immediate protection and dominion of some powerful state, which gives to its settlements of this kind such laws as it sees most conducive to its own safety and emolument.

It is not even necessary that the persons who occupy these colonies should have been originally subjects of the parent state: if they were strangers, they become adopted children, intitled to all the immunities of natural born subjects. Thus the provinces of New-York and the two Jerseys are accounted British colonies, although the first was originally settled by the Dutch, and the latter by the Swedes. Among the antients, these provinces would have been always accounted colonies of the parent states from which they migrated, whatever revolutions their government had been subjected to.

The word *Colony*, therefore, of old had respect to a *natural* relation only; in modern times it respects only a *political* connection.

In all ages, and in every country, some of the individuals of the state will become dissatisfied with their situation. When this happened of old, and the number of discontented persons was considerable, they put themselves under the conduct of some leading person, and went in a body to seek a settlement for themselves where they could find it.—Their sword or their money purchased a territory for them, and their own force or policy supported them in it afterwards.

When these discontents were less ge-

neral, individuals wandered from home, and sought protection from such charitable neighbours as would receive them.

—Those states, therefore, which were more humane than others, received, in this manner, a great addition to the number of their inhabitants. In the mildest states, they formed an order of people little above that of slaves,—were admitted into no places of trust, nor had any share in the legislature*, although they usually bore the burden of almost all the public taxes.

This, at least, we know was the case with Athens, whose citizens having been renowned for their gentleness of dispositions, attracted numbers of foreigners to place themselves under their protection. Demetrius Phalereus observes, that, in the CXVIth Olympiad, the number of strangers in Attica amounted very nearly to half the number of Athenian citizens†. These strangers were obliged to observe all the laws of the republic, and to conform intirely to all its customs: they put themselves under the protection of some citizen, whose favour they obtained by certain duties or services, and were obliged besides to pay an annual tribute to the state of twelve *drachmas* (about five shillings Sterling) *per head*; in default of which payment they were made slaves, and publicly exposed to sale‡.

Such was the condition of those who voluntarily migrated from their own country, and placed themselves under the protection of a foreign state in the most refined æra of antiquity. These formed what the moderns might call a colony in the heart of the state,—a set of people who voluntarily augmented the number of the inhabitants of the state upon such terms as were proffered to them.

But the antients were not sufficiently acquainted with the nature of commerce to be able to perceive, in a clear enough manner, the advantages that might be derived from possessing a great number of industrious subjects, and therefore were at no pains to increase

* At Athens it was death by the law for a stranger to be found in the assembly of the people.

† Citizens 21,000, Strangers 10,000.

‡ The story of Xenocrates the philosopher is well known, who was about to be sold for a slave on this account, when he was relieved by Lycurgus, who paid the tax for him.

them, by inticing strangers to come among them on favourable terms, nor to prevent their own subjects from deserting them, if so they should incline. This was a discovery reserved for modern times, which has produced a very considerable change on the political œconomy of modern states, when compared with that which took place of old.

When peace began to be established in Europe, after the irruptions of those fierce barbarians who introduced the feudal system of government into all the conquered Roman provinces, the monarchs finding their power so much curtailed by the aristocratical authority of the Barons, began to form establishments that should in some measure render them independent of these Barons. With this view, some of the clearest sighted of these princes, instead of driving out of the kingdom such of the vassals as might become discontented with their situation under their original lord, provided places of refuge for them in their own states, to which they might on these occasions with safety retire, where they might exercise with freedom such professions as they were most inclined to follow.

To render the inhabitants of these asylums more secure in the enjoyment of their property, and to attach them more firmly to continue there, the sovereign granted to each of those places particular privileges by charter—erecting them into a community—impowering them to chuse magistrates for their own government—and authorising them to enact laws within their own jurisdiction, when not inconsistent with the laws of the land—to assess the inhabitants for raising funds for the better government of the community—and to exercise authority, as far as impowered by their several charters, over all who should come to reside within their several jurisdictions;—always, however, under the controul of the great legislative council of the nation, who were the ultimate judges whether the exercise of these privileges would be prejudicial to the state or not, and who might repeal any of these charters whenever they should see just cause to do so.

These were the first dawnings of that species of political knowledge that has since attained to such perfection in all the civilized countries of Europe, under the modern name of *Colonization*.

At first these communities were small, and chiefly intended for the subjects of the state where they were formed, being denominated *Burghs*: but as it was found that manufactures and commerce flourished much in these communities, and as the princes derived many advantages from them, they were more and more encouraged and protected. Wise princes invited foreigners to their kingdoms, and gave them the same protection that their native subjects enjoyed; commerce, riches, and independence began to appear in the land. The great nobles lost of their influence as these communities acquired power, and the nation began to perceive the benefits that might accrue to it from possessing a great number of industrious subjects, and therefore endeavoured to obtain as great a number of these as possible.

As civilization increased in Europe, these ideas became more and more universally established. Every country became, in some measure, a manufacturer for itself. The trade which had formerly enriched the most industrious of these, was in danger of being lost; and as it was now in general known, that the real riches of a state consisted in the number and vigour of its labouring subjects, which could only be augmented by providing means for their comfortable subsistence, and that this could only be effected by augmenting their manufactures and commerce, it became the study of political improvers to discover new means of augmenting these by every possible device. Treaties of commerce, for these reasons, became common among the different monarchs of Europe, and wars were more usually begun for the extension of trade than for conquest or enlarged dominion.

When the minds of men were thus busily employed in devising means of extending their commerce as much as possible, and of increasing the number of their people at home in the highest degree, they beheld, with the most jealous anxiety, every addition that was made to the number of their enemies. And as the dissipation that luxury necessarily introduces reduced many individuals from affluence to indigence; and, as in these circumstances a change of place became desirable, it was observed that these, and others who, from other causes, became disgusted with their situation, would not be detained at home,

and if suffered to migrate to any neighbouring state, would augment the number of their subjects in proportion as it diminished that of their own, to the manifest prejudice of the state.

To obviate this inconvenience, a happy expedient was adopted. The benefits that had accrued to the nation from the erection of those incorporated communities *within* the state, suggested an idea that, by the aid of similar institutions formed in distant regions, in territories belonging to the community, and under its immediate protection, a ready asylum would be thus provided, not only for the discontented subjects of the state itself, but also to those of neighbouring nations, who, by mild and equitable institutions, might be allured to settle there, and thus augment, instead of diminishing, the number of their own subjects.

It was likewise easily foreseen, that if these settlements should be made in climates considerably different from the parent state, their natural products would be different from its own, and thus furnish to it those articles it most needed, and, in exchange, would take off her own manufactures, and thus afford employment for her industrious subjects at home, extend her trade, and augment the internal strength and vigour of the state in a high degree.

Such was the rise and progress of our ideas on this subject, and such have been the genuine principles of colonization in modern times. This being the case, it is equally absurd in the mother-country to boast of principles of generosity and paternal affection to these colonies, as it is in these last to talk of a sense of filial duty and reverential obedience. There can be no doubt but a desire to render these colonies of use to the parent state, was the only motive that induced her to settle and protect them at all times, and there can be as little doubt that the desire of enjoying advantages in these distant regions, greater than they could reap at home, was the sole motive that induced adventurers to go thither. The mother, who found that her own prodigal children could not be kept from roaming abroad, was desirous of still rendering them useful to herself, and with that view provided for them a settlement, under her own dominion, to which those who were pleased with the conditions on which it was offered might re-

ture, when the disagreeableness of their situation at home should make that appear to them eligible.

To give stability to these distant settlements, the inhabitants who should take up their abode within certain limits were erected into separate communities by a charter from the crown, by which they were empowered to chuse certain magistrates for themselves, who, in concurrence with others nominated by the crown, were authorized to enact laws for their own community—to levy taxes for the purpose of their own internal government, and to exercise other subordinate exertions of authority, as particularly specified by their several charters, all of these communities being still under the immediate protection, and subjected to the controuling power of the supreme legislative council of the state.

On these express conditions, the nation admitted foreigners, as well as her own native subjects, to become members of these communities:—Such as chose to forego the advantages they possessed as subjects in another part of the empire, and to accept of the conditions that were freely offered to those that should settle there, were at liberty to do it if they should so incline:—Such subjects of foreign states as preferred the conditions held out to them, when they should become members of that community, to what they enjoyed at home, were received into it when they offered;—but neither the one nor the other were in any wise compelled to accept of it. So soon, however, as they became members of that society, they were alike intitled to the advantages that resulted to them as members of it, and subjected to the inconveniencies that might arise to them as such, and had no just title to complain of these, however great they might be. If these are hard, they are equally free to depart to their old places of abode, or to remain; but there cannot be the most distant plea, *in justice*, of extorting other conditions from the parent state than she sees fit to grant of her own free will.

Such is the nature of our colonies, and such the true principles of colonization in modern times, when divested of every sort of disguise that may be employed to mislead the judgment. Whatever territories belong to the state, the supreme legislative council must have a power of assigning to others upon what

terms, and under what form of government, it may think meet, and must at all times have a power to alter such laws as may be found to be prejudicial to the state.

It appears by the above investigation, that there is no real difference between the nature of a colony government, and that of the government of a city under its own magistrates.

Each of them are invested with powers for regulating their own internal affairs; the nature of which powers are ascertained by their several charters: each of them contribute among themselves for their own municipal expence; each of them owe their political existence to a voluntary gift of the parent state; each of them are protected by that parent state from the encroachments of every other power,—and each of them, as real subjects of the empire, are bound to contribute its just proportion to the expences of the state, in such manner as the supreme legislative power shall see fit.

There can arise no difference between them from a difference in position. The territories of the empire, when they once belong to it, are as much under the jurisdiction of the ruling powers, if at a thousand leagues distant, as if at the very gates of the house of assembly. Whenever this ceases to be the case, that particular district is no longer a part of the empire;—and if it has once been a part of the state, it can never cease to be so, but by unjust usurpation, or a voluntary cession,—which might as well be the case with a town in the heart of the dominions, as of the most distant province.

There can arise no difference between them from a difference in the magnitude of the two objects: *justice* views with the same impartiality the humble complaints of a helpless individual, as the arrogant claims of millions. If the weakest community in a state is bound to adhere to the laws, the strongest and most numerous is equally bound to adhere to the same.

It is not however to be doubted but a difference in point of distance from the seat of government, may make it *expedient* for one community to be governed by different rules from another that may be nearer. The expediency of these measures may be pointed out, and enforced by every species of arguments in a free state; but still it remains, that the

supreme legislative power alone must judge of the expediency of these measures,—for if any other was to determine this, it would be erecting two supreme legislative powers in the state, which is a manifest absurdity.

A numerous and powerful society may require to be governed in a different manner from a trifling community, but the rules for establishing that government can originate no where but with the supreme legislative council of the state.

The colonies, therefore, cannot with the smallest shew of justice claim any other immunities than those that are clearly granted by their charters; if they demand more, they endeavour to overturn the constitution of the state.

I have said the colonists cannot, with the least shew of reason, demand, as their right, any privileges that are not clearly granted by their charters; but if these very charters had been infringed, they might feel it as a hardship, and, with some appearance of reason, *complain* of it as such, although it is evident they would not even in that case have a legal plea for resistance; for these charters, if granted by the crown, are granted only by one of the members of the legislature, who has no power to do any thing to the prejudice of the state. Of this the supreme legislative council are the only competent judges; and although it ought to be only on extraordinary emergencies that they should have recourse to such violent means of correcting errors, as revoking charters would be, yet they are undoubtedly vested by the constitution with full powers to do so when they shall see sufficient cause for it.

Even if these charters had obtained the sanction of parliament, it would not alter the case; for the parliament itself can do nothing that shall be evidently hurtful to the state, nor can they render the power of their successors less than their own. Their judgments may have been misled. It is fit, therefore, they should at all times have a power to reverse their own decrees, that thus the evils that may arise from ignorance or partiality, may be corrected as soon as they are perceived.

Nor was there, I believe, ever entertained a doubt of the supreme power of the king and parliament in this respect, till the present moment; and the annals

of Great Britain furnish abundant proofs of the exercise of this power: for, numerous are the instances of towns being disfranchised when they have committed such trespasses against the community, as in the eye of the legislature made such severe punishments necessary. Within the memory of many men now living, the capital of Scotland, from an accidental and unparalleled trespass committed by a masked band, without the privity of the magistrates, ran the greatest risk of having its charter forfeited. The trespass in the eye of unprejudiced reason, as it was evidently not in the power of the magistrates to prevent it, did not merit such severe chastisement, and the more moderate party prevailed: the design was laid aside, not from any doubt of the *legality* of the deed, but merely from a conviction of its *inexpediency*.

But although it must appear obvious that even charters themselves could be no legal barrier to the decrees of the supreme legislature of the state, if they should see it necessary, yet it will not be contended, that, in the present contest, this has been attempted. Some of the confederated colonies have charters expressly binding them to pay such taxes as shall be imposed on them by the British parliament at all times: others have a power to enact bye-laws for their own civil government, in all cases where these are not inconsistent *with the laws of Great Britain*. This is the highest exemption that any of the colonies can possibly claim; and to what does it amount? Merely to this, That the petty legislators of these communities shall be authorized to deliberate with freedom, and to enact such laws as shall seem best to them, in all such cases as the legislators of Great Britain have not thought proper to take cognizance of; but in all cases where Britain shall have thought proper to enact laws binding on the colonies, they are, by this clause, expressly prohibited from intermeddling in any sort.

I am sufficiently aware, that the partisans for America will contend that this is a forced and unnatural construction of the meaning of the passage: but let it be examined with ever so much critical sagacity, I shall be surprised if it can be made to bear any other meaning.

It must be observed, that at the time these charters were granted, there

was perhaps no law of Great Britain relating to the colonies, nor could it be foreseen what laws might be necessary to make with regard to them. In these circumstances, if it has any meaning at all, it must be understood as a declaration that the laws of Great Britain, whenever any should be enacted with regard to the colonies, should be supreme and binding upon them, as well as every other part of the dominions of the state.

And that it was so understood by both the colonies and mother-country, appears by the subsequent behaviour of all parties: Britain at all times made such laws as she saw fit for the colonies, who, without hesitation, submitted to them as in duty bound, until power introduced a spirit of independence among them. The Americans themselves even now confess this, by acknowledging that all the acts of the parliament of Britain, relating to the regulation of their commerce, are binding upon them. These acts were made at a time when all parties had a due sense of their just rights, and were submitted to as an exertion of that supreme controuling power reserved to the mother-country by their charters. We hear now of a distinction between these laws and others; but no foundation for that distinction is found in their charters themselves. If the British laws relative to navigation are binding on the colonies, why are not the British laws relating to other articles equally binding? I defy any one to produce an argument in favour of the first, either from the charters, or any other claim, that is not equally valid for the other.

Had the passage in the charter, so often mentioned by the favourers of America, been intended to exempt the colonists from submitting to any laws that were not agreeable to themselves (which is the meaning they now wish to make it bear), instead of declaring that the legislators of the colonies should be empowered to enact laws that should be binding within their own jurisdiction in all cases, *except when inconsistent with the laws of Great Britain*, it ought to have declared, that all laws of Great Britain, relating to these colonies, should be valid in them, *in as far as they were not inconsistent with the laws of each particular colony*.—The meaning would have been then distinct and clear, and would have shewed, that although Britain made the

colonies supreme and independent states, yet it was meant they should keep up a friendly intercourse with one another, as long as it should prove advantageous or agreeable to the colonists, and would have prevented the absurdity of supposing that a sovereign independent state should be under the dominion of another sovereign independent state—A solecism in politics, which was reserved for the wise philosophers of the eighteenth century first to adopt in a serious manner.

I have been at more pains in clearing up this argument than its own insignificance would seem to authorize: but as it has been held up to the ignorant as the great palladium of American liberty, it becomes necessary seriously in these cases to refute absurdities themselves. The ignorant are apt to judge of the force of an argument by their opinion of the talents of those who seem to adopt it. This is the only proper apology that can be offered to the unprejudiced for dwelling so long upon it.

I have hitherto confined myself to consider merely the *legality* of the measures pursued by Britain,—as this is the only circumstance that falls to be considered, when we attempt to justify or condemn those who are at war with the legislative and executive powers of the state. The *expediency* or non-expediency of these measures ought to be discussed by other means than the sword,—it therefore falls not here to be discussed. *Law* is the only bond of union in every society, and by it alone must every member of the state be acquitted or condemned when he hath injured another.

The colonists are at war with the supreme rulers of Great Britain: Are they, or are they not transgressing the laws of the empire in so doing? This is the precise state of the question; the answer to which must either declare them, or the legislature at large, *rebels* to the state; for there is, in this case, no medium. If the legislators have exceeded the powers vested in them by the constitution, then *they* are *rebels* or *tyrants*, which you please to call them, and ought to be opposed by every member of the community; but if they have not exceeded the powers vested in them by the constitution, then we must be compelled to acknowledge, that those who oppose their decrees are *rebels*, and are justly liable to all the penalties that the law has provided for that crime.

But it does not appear that the legislature hath, in any one instance relating to America, assumed powers not fully conferred upon it by the constitution; therefore the insurrection in America is a *rebellion* in the strictest sense of the word, and ought to be opposed by every member of the community.

Here I perceive it will be said by partial reasoners and short-sighted politicians, that I plead the cause of tyranny, and, afraid of the decision of justice, of humanity, and what not, I refuse to submit to their decisions, and shelter myself behind the subtle barriers of law. It will by and by appear how far this reflection is well-founded; in the mean time, without regarding these petulant sarcasms, I pursue the road of strict impartiality, without turning to the right hand or to the left for any consideration whatever. As a member of a political society, as a judge of my fellow-subjects, I acknowledge no other rule by which I can determine but *law*; for were I to make any thing else a standard for my decision, I would depart from my own order in society, and arrogate to myself powers with which I am not invested. A judge is only the interpreter of the laws, and not the maker of them. Should he, swayed by humanity, or influenced by any other passion, allow those to escape justice who might conciliate his favour, he would be no longer a judge, but legislator also,—as he would assume a dispensing power, which is rendering the laws of none effect, and must be productive of the most baneful consequences to society.

If every subject in a state should assume to himself this discretionary power in judging of political matters, we could have no other standard of right and wrong than the opinion of every separate person; and as these would be constantly varying with the interests, passions, and prejudices of the individuals, nothing but the most frightful anarchy would prevail, and the security that the subject enjoys from the protection of the laws, would be totally at an end.

Should the Americans, instead of appealing to the known and established laws of the land, be allowed to apply to any other standard of justice that might seem best to favour their particular views, with equal justice might every other member or members of the community apply to any other standard that

might seem most agreeable to them; and if every one should thus be at liberty to contest every statute that might be disagreeable to himself, the legislative power would be quickly annihilated, and the political society be totally dissolved.

If, therefore, Great Britain is to continue a political society at all, the *laws* must be enforced in every corner of the state. If the constitution is to be preserved, those who infringe its primary statutes, whether king, lords, commons, or people, must be opposed, and brought to a proper sense of their duty: but, by the constitution of this realm, all orders of citizens throughout the whole dominions of the state are bound to obey the decrees of the king and parliament when duly enacted.—The Americans refuse this obedience, and are therefore enemies to the state.

Let us not flatter ourselves with the opinion that, by infringing the constitutional laws in one instance where they may seem defective, we will do a service to the state. If this barrier against innovations of all sorts is once removed, under any pretext however specious, there is no doubt but other pretexts will be fallen upon for removing it in other instances, till we shall be gradually deprived of all. Montesquieu well observes, that, “When the *Gracchi* deprived the Roman senators of the power of judging, the senate were no longer able to withstand the people. To favour therefore the *liberty of the subject*, they struck at the *liberty of the constitution*; but the former perished with the latter.” And this must ever be the case in all countries. *Civil* liberty, or the liberty of the subject, can only exist where the system of *political* liberty is complete, and bears sovereign sway. Those, therefore, who prize the former, must be careful to see that the latter be not in any case infringed.

It is on these principles that I am forced to reprobate the conduct of the Americans, and pity the insatuated weakness of those who, from principles of false generosity, are led to applaud the efforts which they are making just now, not only to deprive their fellow-subjects of the benefits that result to them from the enjoyment of the best political constitution that was ever formed, but to deprive themselves also of the many advantages they enjoy from its influence,

which they would most effectually do should their own wild attempts be crowned with success.

I see these inconsiderate men like a parcel of children who have got possession of a jewel of inestimable value, which to them appears only as a gaudy gewgaw. It is tossed about with the utmost freedom and careless unconcern. They are not aware, that if it should slip through their fingers and be dashed upon the ground, it might be broke into ten thousand pieces of little value when detached, which no art could ever reunite.—The treasure would then be lost, never more to be found among mankind.

Let us rescue it from their hands, and guard it as the apple of our eye. It is a treasure which, if preserved undiminished, will enrich ages yet unborn; but if it is in the least degree impaired, it will gradually vanish away, and leave our descendants poor, dispirited, naked, and forlorn, the sport of every neighbouring state, whose pity will be mixed with derision and contempt for our unparalleled folly.

Hitherto I have proceeded without reluctance, because, in developing the principles of our constitution, I have not been obliged to load any person with blame. It is necessary I should go forward, not only to answer severally the different accusations lodged by Urbanus against the rulers of the state, and to examine into the *expediency* of those measures that have been pursued with regard to the Americans, but also to develop the *real* causes of this contest, and to point out the natural tendency to which it leads, should they prove successful. But here the task becomes extremely disagreeable. It is irksome to me to find fault; even approbation where it may be due is far from producing pleasure unmixed. The humane surgeon loves not to handle the knife; but humanity itself sometimes obliges him to use it. A lover of freedom is loth to discommend whatever has the appearance of promoting that cause: An enemy to tyranny would fain wish to keep the rod from the hand of power as long as possible; but when it becomes necessary for him to act, with the steady fortitude of rational humanity, he will go forward unmoved: although his heart may bleed at every wound he inflicts, his hand will be steady in its office. If

our constitution must fall, it were far more glorious to be buried in its ruins than to survive the dismal catastrophe.

With these sentiments I proceed, equally disdaining the false imputation of partiality, and despising the sophistical arts of calumny and rhetorical deception. Let those who feel the weakness of their arguments adopt the aid of abuse. The man whose heart is upright, and understanding clear, will be calm and unmoved amidst the storms of clamour that may be raised to perplex him.

HAVING, in the former parts of this essay, examined the claims of Great Britain over the colonies in point of *law*, I now proceed to make a few observations on that subject in point of *equity* and *common sense*.

It is allowed on all hands that the territories possessed by the Americans belong to the crown of Great Britain; and that all these inhabitants hold their possessions of that crown, and are virtually and effectually *subjects* of this realm.

They have all along been protected by this state—their agriculture has been promoted by premiums—their commerce encouraged by particular indulgences, and themselves cherished by every degree of tenderness that subjects in any part of the British dominions could possibly have expected.

Every inhabitant there, of whatever country he may have been, or whatever religion he may profess, is a free denizen of this country—can be elected into places of trust, and enjoys every other privilege of a native-born British subject.

Britain thought proper to allow her territories to be tenanted on these advantageous terms. While these settlements were new—while the inhabitants were few, and environed with difficulties and dangers—while they were poor and dispirited, unable to cope with those enemies that surrounded them on every side, liberal encouragement was given for increasing their population:—they were protected by a great and powerful nation, and every indulgence that humanity could invent was granted, to enable them to overcome those difficulties that threatened them, till at length, by their own accounts, they have become a rich, a great, and a powerful people.

In consequence of these vigorous exertions of the parent state to protect her

colonies, she has become loaded with a heavy debt, contracted chiefly in their defence.—To afford them protection, a numerous fleet became necessary, and the standing expence of government is prodigiously increased. Is it reasonable—is it consistent with the dictates of common sense, that Britain, although she tenderly nursed her infant children with the milk of her own breasts, shall still continue to enfeeble herself, by continuing to suckle as a child those who, by their own acknowledgment, are arrived at man's estate—and who are not only able to support themselves, but threaten to destroy those very parents from whom they derive their existence, and to whom belongs every thing they possess?

Again—by what title can they lay claim to the indulgence they demand? If they are subjects of Great Britain—if they are protected by her power, is it not reasonable that they should contribute their proportion of that expence which is necessary to support that power, according to their ability, as well as the other subjects of the state?

If they are not subjects, but free independent states, let them produce the deed by which Great Britain rendered them independent. They were undoubtedly once subjects—and how they should have become independent, unless by open rebellion, exceeds my power to comprehend: nor did they ever, till they avowed their rebellion, lay claim to it.

If they shall pretend to say that Britain now demands what she never exacted before; and that therefore they are not bound to pay it—the claim, supposing the fact to be so, would be nearly the same with that of a tenant at will, who had been allowed to take possession of a tender-hearted landlord, who, on account of the inability of his tenant, exacted from him a very moderate, or even no tack-duty at all—but when, in consequence of that indulgence, he had become rich and flourishing, and abounded in all the good things of this life, he refused to give any more tack-duty than formerly, and maltreated his proprietor for exacting it—could such proprietor be accused of tyranny, if he either insisted to have this additional duty, or ejected him from his farm?

But the Americans have not even this plea to alledge, poor as it is; for it is a

truth that will not be denied, that America has always been taxed by Great Britain since it was a part of the British dominions. Small indeed, and inconsiderable for many years, were the taxes paid, for the reasons above given—but still the right of raising them was exerted. This is therefore no new claim.—The right of Britain to tax the colonies was never denied till of late, that they have taken it into their heads that they have power to support that denial, *vi et armis*, against the parent state. If this is not a sufficient proof that they are able to bear a higher tax, I know not where we should search for one.

If Britain then has an acknowledged right to tax America—a right that has been always exercised; and if America is able to bear these taxes, where lies the hardship, of which the Americans so loudly complain, in being obliged to submit to see that right still exercised, although the duty may be augmented.

No doubt but it is natural for them to wish to be freed of these duties. It is natural for the subjects of Britain to wish to get rid of their taxes—but is this a sufficient reason to abolish them? Who then would protect the state? Ought not *all* to contribute alike in proportion to their abilities for that purpose?—All are alike protected.

The argument that has been so much employed of late, that it is unjust to tax any subject, unless that subject consents to the law by which he is taxed, either by himself or his representatives, has been pretty fully discussed already as a *legal* claim. A few words, however, may be here proper, considering it in the light of *common sense*.

If the Americans never had representatives in the British parliament—if it was never supposed they should have any representatives there—and if they, notwithstanding this, were content to become British subjects, what right have they now to complain of their situation?

These men, before they went to America, either were or were not intitled to vote for members to sit in the British parliament—If they were not intitled to exercise that prerogative in Britain, why complain now that they are not possessed of that privilege?

If they were actually voters in Britain, they either sold that right to others for a valuable consideration, or voluntarily

abandoned it. Have not these as little right to complain as the others? It is a well known proverb, *One cannot eat his loaf and have his loaf too.*

But in fact the Americans do not wish to be intitled to have representatives in the British parliament. If they had, they surely would have petitioned the legislative council of Britain to have allowed them the privilege of representatives in parliament:—But this they never have done—nor was ever any thing farther from their intentions than to accept of this privilege, had it been offered them.

If, therefore, they have no other plea to offer, but that they are not represented in parliament; and if they refuse to accept of being intitled to representation, is not this complaining without a cause, seeing the inconvenience may, for aught that appears, be removed by them whenever they think fit to do so?

It is, from this and many other facts, sufficiently evident that they have really no better argument to produce in support of their determined resolution to avoid contributing any thing to the public expence of the state, and to give some colour to their long concerted design of sovereign independency.

At first, when the stamp-act was proposed, they pleaded poverty, and a total inability to pay the tax.—It was hardly hinted that Britain was not well intitled to exact it—and, upon this supposition alone, that law was repealed*. How far this supposition was just, succeeding facts have clearly evinced.

But when power and success in their opposition inspired them with a greater degree of insolence, they began to deny the right of Britain to levy any taxes in America; and, trusting to the powerful opposition at home, which had at former times so often served their cause, they boldly demanded that all their taxes should be remitted; which, with a faulty complaisance, the ministry complied with in every instance except the paultry tax on tea, which was indeed only a nominal tax, as the duty was in fact lowered instead of being augmented to them by it.

Having succeeded thus far, they were resolved to stick at nothing less than ab-

solute independence.—Britain appeared now so tame, and seemed to have such an idea of the consequence of America—such a powerful junto at home were ready to support every measure that could obstruct administration in every step, and thus pave the way for their own exaltation, that the opportunity seemed too favourable to be neglected.

To try at once how far they might go with impunity, it was resolved to take bold and daring measures that should hastily bring matters to a crisis, before the nation should have time to be fully informed of facts, so as to see clearly what was the view of the colonists, and to trust to fine speeches, and artful misrepresentations, to keep them long in the dark about it.

In consequence of these counsels, a mob at Boston, under the patronage of the magistrates, was instigated to seize and destroy the tea lying in that city and in the harbour—the most wanton and unprovoked insult offered to the civil power that is recorded in history!

But their scheme would have been rendered of none effect, had they even made acknowledgments, or offered any thing like what might have been construed a reparation for the damages sustained—and therefore no such thing was so much as attempted†. What would any man say of an administration which should allow such as had committed such a shameless outrage on the civil power to escape with impunity? Would not every man of spirit say that their names ought to have been held in abhorrence—and that such persons were altogether unfit to hold the reins of government in any state whatever.

The ministry in Britain, at that time, however mild in other respects, were not altogether so tame as to submit quietly to this insult. The Boston port-bill was enacted—from the tenor of which it appears the ministry were not fully apprised of the intention of the Americans—as they left an opening by which they might at once free them-

† The Americans have acted with such cautious circumspection all along in this respect, that it appears evident they were afraid to make the least acknowledgment for this daring trespass, lest it would have been accepted of as an apology by the ministry, and thus have frustrated their schemes. It was therefore carefully avoided.

* As a proof of this, it may be observed, that the declaratory act immediately followed this repeal.

selves from all the calamities threatened by that bill, merely by complying with a common principle of justice—paying for the damage that had been wantonly committed by themselves; and I am fully convinced that the ministry imagined *that* requisition would have been immediately complied with.

But nothing was farther from the minds of the Bostonians—Like the aggressors in most disputes, they were the first to complain. Loud and numerous were their complaints of oppression and arbitrary power, for being *required* to do what any private individual in any country of Europe would have been happy to have been *permitted*, as the greatest favour, to perform, had he been in their situation.

But the plan of independence, which had been forming for ages, was now thought ready to be effected; and fate, big with an important revolution, forbid that the dictates of justice should be complied with. An American would have thought it an unpardonable crime to have said, he could have been guilty of a trespass, had he, without provocation, sunk the effects of half the subjects of Britain to the bottom of the sea.—What era can produce a parallel instance of presumptuous arrogance and folly?

Yet in spite of these facts, which speak of themselves a language that cannot be misunderstood by any nation under heaven, they trusted to blindfold the people of Britain by words seemingly submissive, while all their actions breathed nothing but insolence and contempt for a people who could suffer themselves to be tamely so insulted: like the emperor Charles V. who with a most barefaced effrontery caused prayers to be put up to heaven many weeks following for the liberation of the Pope, whom he confined a close prisoner in his own hands, the people of Boston supplicated heaven and earth to deliver them from the cruel persecution of their enemies, from whose oppression they could have been in one moment freed by an act of common justice, that nothing but a villain would have refused.

Imposed upon by these fair speeches, some of the sanguine advocates for America have pleaded [Weekly Magazine xxxi. 386.], "That though those whom we call rebels are calling upon us by every consideration of justice and humanity, are humbly suing and soliciting

in the most submissive tone, are beseeching, even with tears, to recall our hostile troops, and sheathe again the bloody sword, and promising every thing that a free people can possibly grant,—cannot we agree to their humble petition without wounding our honour and affronting our authority? And though, in the most public and solemn manner, they have a hundred times over declared that they desire no other sort of independence than they have enjoyed for a century backwards—an independence, if it may be called one, that rests on the acknowledged authority of Great Britain to limit their trade and navigation, and to recognize every law that doth not directly overturn their constitutional settlement, and the very existence of liberty and property among them,—are they, notwithstanding, still chargeable with the secret design of establishing themselves into states utterly independent of the mother-country? All this is amazing! Indeed nothing can be more absurd; nor would any body argue in this manner who did not consider his antagonist, not as a man of sense, but as a child or a fool, with whom he is at liberty to trifle with impunity."

Such is the language of the inconsiderate abettors of American pretensions; and those who have attended to *words* rather than to *deeds*, may be excused if they should think this a little plausible. Let us examine.

The Americans have undoubtedly petitioned again and again all orders of the legislature, and begged them in the most submissive terms—to do what?—To give up to them the undoubted prerogative of the legislators of this realm; to sacrifice to *their* pleasure the just rights of the inhabitants of this kingdom, and to submit themselves implicitly to the dictates of the American demagogues—For nothing less is the purport of these very humble and most submissive petitions.

It is one of the glorious privileges of our constitution, that every member of it may petition, without restraint, the whole body of the legislature; but it is a doctrine altogether new, to suppose that the legislature must comply in all cases with the prayer of these petitions; yet such seems to be the doctrine inculcated by the Americans. "*We* (say they) have humbly petitioned you to do such or such things, which we find would be convenient and

agreeable to us; *you* have refused to comply with the earnest prayer of our reiterated petitions, and as *we* are *positive* that *we* alone are the only judges of what is fit in this case, you must blame yourselves if any inconvenience shall result from your obstinate refusal. We appeal, therefore, to heaven and earth that you compel us to take up arms against you, and all the harm that may result from this contest must remain at your door,—for had you complied with our prayer it might have been entirely avoided.”

I shall beg the reader will try if he can discover any difference between this reasoning and that of a man who should come up to him on the high-way, and desire him, with the utmost complaisance and humble obeisance, to deliver his purse, or what part of it the highwayman should think proper to demand: should you hesitate about complying with his request, he would humbly put you in mind that God had made all mankind originally equal,—that every man had from nature as good a title to live well, and enjoy the good things of this life, as any other,—that *he* had not the means to support himself in life in half such an elegant way as *you* could do,—that he, therefore, in all Christian charity, demanded, in the name of God, your common Father, that you should comply instantly with his request, which was so consonant with the principles of religion and equity:—Should these arguments still prove unsatisfactory, he would proceed to treat of you, in the most humble manner—on his knees, and with tears, to comply with his request, and conjure you by all that was most sacred on earth, or in heaven, not to force him to use violence to procure what he was determined he would not want; he would paint, in the most pathetic terms, the misery that might ensue from your persisting with such unreasonable obstinacy in your refusal, and appeal to heaven, that if, in attempting to obtain what you might have parted with at his first request, he should be obliged to maim, or even murder you, that he washed his hands in innocence, and the blood should remain upon your own head; but if still you should persist in your refusal, he would present his pistol, and addressing himself to heaven, utter this fervent ejaculation, “Open thou our mouth, O Lord, and we shall shew

forth thy praise,” and instantly blow out your brains.—I ask again, where would be the difference between the one and the other?

The Americans have indeed petitioned most humbly, but they have petitioned for what they had no right to command.

They have indeed petitioned,—but they have petitioned for what the legislators, without the most evident breach of trust, had not in their power to give.—And they have humbly appealed to heaven for the justness of their cause, when they cannot produce a single argument to shew the equity of their claim, if decided either by the principles of law or equity.

Should the legislators of Great Britain have been weak enough to comply with the prayer of these very modest and most humble petitioners, what would have been the consequence?

The natives of this country would have found themselves oppressed with an immense debt, and heavy taxes, and with an enormous charge annually increasing, for protecting a great and powerful nation, who refused to bear any part of these burdens. Would not they, in this case, have had a good reason to murmur at the partial folly of their governors, and have had just cause for rising in rebellion against them for thus wantonly sacrificing their just rights?

But supposing things should have been carried with a more moderate hand, and troubles and insurrections suppressed, would not the people in this island, oppressed with taxes in such an enormous degree, while their brethren in America were freed from all the public expence of government, sigh for those blessings they saw the others enjoy, and therefore desert this cursed island (as it might in that case have been called), and go to the happier regions in the west? And would not the memory of the minister who had been the means of accomplishing this happy revolution, deserve to be adored by all posterity?

We shall by and by see what would have been the blessings the inhabitants of this island would then have enjoyed, in exchange for those they possess at present.

The Americans, till very lately, have acknowledged the right that Great Britain undoubtedly has to limit their

trade and navigation; but upon what principles can Britain think to limit their pretensions to be freed of all restraints in this case, as well as with regard to taxation? I acknowledge I can discover none.

If it shall be said, this power is reserved to Britain by their original charters, I answer, it is not more clearly implied in these than the right of taxation.

If it shall be said that they have uniformly acknowledged this, and submitted to the exercise of this power, I answer, the same may be said as to taxation, and every other exertion of juridical authority till the present æra: and if it shall be allowed that Britain has now no right to tax the Americans, will not the same arguments that are now employed to free them from the one, be equally valid for freeing them from the other, whenever they shall chuse to claim an exemption from these restraints?

Hence then it appears, that the present contest with America is not an idle claim for useless superiority, but a contest for the very existence of this state. For should their demands have been complied with, it would have been impossible to preserve this state from utter ruin in a short time.

It were ten times better for Britain that America should be independent, than to have her as a subject dictating to our rulers, and prescribing laws to our legislators, and reaping all the benefits of civil government without any of its burdens; for Britain may subsist by herself, and retain her independency, but it would have been impossible for her to have existed at all, under that kind of government that must have taken place, had their demands been complied with.

I proposed to have entered into a critical review of the conduct of the Americans from the beginning of this contest, with a view to demonstrate from thence that independence has been their aim from the very beginning; but from the circumstances taken notice of incidentally through this essay that point to that end, and from their having now clearly declared themselves for independency, I will not enter more minutely into that discussion.

I only now shall make a few remarks on the restraints on their trade, so often mentioned and little understood, and shall conclude with some observations on the consequences that would

result to the Americans themselves, should they be so unfortunate as to succeed in the present contest. It is a doubt, how far Britain would be a loser by parting with them intirely, if they are not to be put upon a better footing than formerly; but there is little room to entertain a doubt about the fate of the Americans, should they be abandoned intirely to themselves.

I have often amused myself by fancying what opinion an unconcerned spectator would have formed of the Americans and Britons, who had been fully acquainted with historic facts, and who should have read the several petitions and addressees of the Americans, the remonstrances of the city of London, and its followers, and the speeches in our houses of parliament. If our news-papers shall, any of them, be transmitted to future ages, some curious reader, who is anxious to form a just opinion of the character of the people and manners of the times, will be nearly in the situation of that impartial spectator, and will no doubt find many important reflections crowd into his mind on that occasion. If he shall have previously formed to himself an high opinion of the wisdom of our legislators, and the excellence of our constitution, by perusing the account given of these by Montesquieu, De Lolme, &c. he will perhaps be highly astonished. If he has been intimately acquainted with the human heart, and well versed with the internal vices of those antient republics, so often held up to mankind as models of perfection by those who have been able only to view them at a distance, he will see, without astonishment, that man is the same at all times, and, in equal circumstances, is liable to fall into the same vices and defects: he will see that artful men have, in all ages, had little difficulty to lead the multitude at pleasure, contrary to the dictates of common sense, and that it is only when too late, that the *people* who have been misled come to discover the errors into which they have fallen. It is hardly now necessary to point out the sophistical arguments that have been employed to mislead the multitude as to American affairs, as the contest must soon be determined by other far less agreeable means than the pen; yet it may afford some satisfaction slightly to glance at a few of them.

The Americans and their advocates have all along contended, that all they wish for is to be placed on the same political footing, with regard to Great Britain, as before the year 1763; and, by the whole tenor of the arguments employed by them on this head, it would seem, that they wished only to be freed of some petty taxes which they think burdensome to them; and many of the ignorant people, who speak loudly on this subject, seem to apprehend that the loss of the revenue that would arise from these taxes, is all the inconvenience that Britain would sustain by complying with their demands, and therefore heartily concur with the Americans, or at least think it absurd to throw away so much money to enforce obedience to a law of so little importance as that which seemingly gave rise to this contest.

Wise men, however, easily see thro' the flimsy veil that covers the real design of the Americans in making this demand, and perceive that a compliance with it in the present circumstances would be attended with the most fatal consequences. Before the year 1763, America accounted herself bound to submit peaceably to all the statutes that Britain should enact relating to her, and the legislature and inhabitants of Britain never entertained a doubt about it. About that time, as a spirit of independence began to manifest itself in the colonies, it was thought necessary publicly to declare that Britain had that right, by a solemn act of the legislature at large; so that, were all the laws since that period repealed, and this among the rest, it would be intirely giving up a right that Britain cannot part with, if she is to continue a state as formerly, and the Americans would be on a very different footing indeed from what they were before that period. Like a child who peremptorily refuses to comply with the commands of its parent in one instance, and professes that, in every other respect, it will be obedient to his will,—the Americans peremptorily demand as a *right* what it only behoved the state to judge of, and to grant as a *favour*, if they saw fit. Every man knows what is the certain and inevitable consequence of the parents' compliance in the one case, nor is it difficult to perceive, that similar mischief is intended, and must necessarily follow, should the state be so foolishly weak as to yield in the other case.

The Americans and their advocates have also often asserted, that they were not desirous of refusing a proportional aid for the public expence, but were ready to contribute for that purpose, and to levy it upon themselves, if the king, by himself, would require it from them. If they had ever expected that this was to be considered as a serious offer, it only means, that they wished the king to be an absolute monarch over them, and that they would willingly submit to be *fleeced* by him at his pleasure (for they made no restrictions in this offer); but they were not such idiots as ever to have had a serious design of subjecting themselves to such a grievous slavery as they must have felt, had this offer been accepted of, and put in execution, *bona fide*, by both parties. They knew well, that had the king been wicked enough to have wished for such a thing, the British nation never would have tamely permitted such a part of the subjects of the realm to become slaves to the crown, even if they themselves should demand it,—nor permit the king to be possessed of such a power to enslave themselves, as he would have enjoyed in consequence of the revenue that, by an artful management, he might have derived from thence.

Happily, however, our most gracious sovereign, who has the happiness of all his subjects more sincerely at heart than they themselves seem to have, instead of being misled by this insidious offer, rejected it with disdain, as being unworthy a free people to offer, or a just prince to accept of: But, to humour their wayward fancies, and to leave them no appearance of excuse, with that lenient tenderness which seems to influence all his actions, he adopted the plan chalked out by them, agreed to their proposal in every respect, except the substituting the constitutional legislature of Britain instead of himself alone. He agreed that they should be allowed to tax themselves—at the requisition of the British parliament; and the ministry even went so far as to engage, that all the revenue raised in America should be spent in it*. The proposal, however, met with the reception that unprejudiced

* The ministry have been often blamed for the measures adopted with respect to America. Perhaps no measure was so blame-worthy as this offer;—an offer which, if accepted, would

persons expected. What was only offered with a view to save appearances, and mislead the weak, was never intended to be agreed to, if accepted.—The offer was of course rejected, as contrary to the views of the American congress.

At first they complained that their charters were infringed; but this ground, as untenable, is now intirely deserted. Charters are good when in favours of America; but, when against them, charters, compacts, prescriptive rights, and every rule that is reckoned binding on society, are accounted as nothing, and they have recourse to that natural state of hostile liberty that man enjoys before political societies were instituted. If, therefore, they refuse to submit to these civil institutions that mankind have found necessary to establish for preserving order in society, and have recourse to open force for making their will a law to others, what reason have they to complain if others have recourse to the same means for bringing them back to a sense of their duty?

It is hardly worth while to take notice of the praises they bestow upon one set of men, and of the opprobrious abuse they pour out against another, were it not to point out to the simple and undiscerning multitude the absurdity of this, as well as of their other demands, and to discover what are the motives of attachment between those in this country who favour them, and the Americans: for the Americans themselves know too well, that these very men whom they praise as an *illustrious band of heroes who stand up in defence of liberty*, were the very persons who planned and put in execution those acts of which they most complain, and that the present ministry have only repealed some

have been a source of perpetual dissension between the parent state and the colonies. The first would with justice have complained, that the colonies did not contribute their just share of the public expence for the defence of the state:—the last would have complained of the troops, &c. stationed among them, as tending to enslave them, and would have withheld their contributions when they saw fit.—Mutual jealousies and wars must have been the consequence:—wars, more to be dreaded than the present! Happily these mischiefs have been prevented by the Americans! Perhaps ministry foresaw this, or the offer would not have been made.

of the most obnoxious of these statutes; but they thus hope to blindfold the nation, and clog the wheels of government a little,—while the *illustrious band*, who know full well the bent of the Americans, only mean to make use of them as a ladder to help them to mount into the seat of power, after which they would crush them as soon as they could. Thus do these two parties mutually praise one another, whom they heartily despise, merely with a view to promote their own purposes. The artifice is indeed so simple, as to be fitted only to impose upon the most ignorant on either side. But unfortunately the number of ignorant persons who pretend to judge of these matters, is extremely great!

The Americans likewise, in all their petitions, till of late, acknowledge the right of Great Britain to regulate their trade, and confess their willingness to submit to the rules which the parent state may think proper to establish in this respect. This is their language:—But when we proceed to inquire into the purport of these offers it appears, that, like the other offers they have made, it is found without meaning,—words merely calculated to impose upon the unthinking multitude. This requires some explanation.

In the beginning of this essay I observed, that the restraints on the American trade were the real grievances that first instigated those Americans, who are the secret leaders of this insurrection, to wish for a separation from Great Britain:—But this they dared not to avow, either to the other Americans themselves, or the inhabitants of Great Britain:—They have therefore contrived to impose upon the one and the other, by inserting this declaration in all their petitions and memorials, as it assumes a specious appearance, while, at the same time, if accompanied with the other immunities they demand, it really means nothing. But, were they even in good earnest serious in this proposition, as they have an equal right to demand to be freed from these restraints as they have to require an exemption from taxes, there can be no doubt that, was this demand complied with, insolence as usual would increase with power, and the navigation-act would become a bone of contention in no distant period, when they would peremptorily demand that it might be re-

pealed, or a more obstinate and bloody war must be the consequence.

But, independent of this circumstance, let me ask any confederate person, in what manner Great Britain could regulate their trade, were their other demands complied with?—She might, indeed, make as many laws for that purpose as she pleased, which might be allowed to pass both houses of parliament without opposition—But how could she enforce these laws? The temptation to smuggling is strong—the opportunities of doing it with impunity are numerous. There is a strong bias among the trading part of mankind, and among all other classes, to favour those who transgress these laws.—While the custom-house officers, therefore, are in some measure dependent upon themselves—while the judges are parties—and while juries may be packed to their mind, what law need they be afraid of, however severe? In these circumstances they may, with unconcern, suffer the legislature to enact what laws they please, and proffer to pay implicit obedience to them.—Such has been the case hitherto with them—but now, that some steps have been taken to put these laws effectually in execution, they have taken the alarm.—Those who have been in the practice of obtaining riches by a trade the most destructive that can be imagined to the parent state, see themselves ready to be deprived of these sources of wealth; and therefore most naturally are disposed to oppose these arrangements with all their might.—Their language is, “Alter not your practice with regard to us—Allow us to explain the laws—to collect the duties by our own officers as formerly, and we will submit without reluctance, *as formerly*, to these laws, and suffer you to make as many more as you please—but do not you intermeddle as to the execution of these. Trust us we will, like honest, disinterested, noble, generous souls, do every thing that is right—but we will not suffer you to use us so ungenerally as to doubt our word, or to send any person to see that these laws of yours are duly executed.”

This is a fair state of the case—and who can doubt but that such a set of *liberal-minded men* will, on all occasions, sacrifice their own interest to the good of the parent state, for which they have shewed such filial affection?—Is it not,

therefore, an unpardonable insult in any minister to doubt their word of honour, or think of demanding any other security for the execution of the laws than their own promise? Is it not well known that their reputation as to integrity in every sense is immaculate, and free from every stain whatever?

I now come to consider the nature of the trade of Great Britain to these colonies, the restraints the Americans are under in that respect, the many and great inconveniencies they labour under on this account, and the innumerable advantages that this parent state enjoys from it.

When Britain began to perceive the benefits that resulted from trade, and to know wherein her real strength consisted, the famous navigation act was made, by which all vessels trading to Britain were obliged to be navigated chiefly by natives. This act was extended to America, with an obligation to land all the products that were shipped from these colonies first in Britain, before they could be carried to any other port. It was found in a short time, that some of the commodities were so bulky as did not admit of being transported to Britain at all, and that others suffered great damage by that, which hurt the trade of the colonies considerably. On this account, certain commodities were exempted from this burdensome mode of conveyance, and the Americans were left at liberty to go directly to their destined ports with them, without touching at Britain at all. The number of these has been gradually increased till the present time, that all the bulky commodities exported from thence, excepting tobacco, hemp, and naval stores, are included among them.

For their greater encouragement, the act of navigation was farther dispensed with, and they were allowed to navigate their vessels without the requisite number of British sailors;—an indulgence that many of the best judges of political jurisprudence think was highly injudicious. A late eminent writer (Mr Adam Smith) justly observes, that defence is more necessary for a state than even a very flourishing commerce; and although all restraints upon commerce are hurtful to it, yet the navigation act, which tends so much to increase the number of sailors, on which the security of this island chiefly depends, although it

might retard our commerce in a small degree, was nevertheless a most necessary law, that ought not, on any account, to be dispensed with.

These are the restraints on their trade, which the Americans so often mention, and from these they assert, that Britain derives such great advantages as would be more than sufficient to pay their full proportion of the public charges of the state. Let us endeavour to see what they lose, and what Britain gains by these laws. But we must state their trade as it *really is*, and not as it is represented to be.

To the West Indies the Americans export lumber, by which is meant wood of all sorts,—rice, maize, peas, wheat, flour, dried fish, &c. without any restraint.

In return, they bring from the British islands sugars, and melasses to be distilled: From the French and Dutch islands they import, besides the above articles, cloths of all sorts, teas, and East India goods; but especially linens, in exchange for hats of their own manufacture, and furs, not to mention guns and military stores, when we are at war with them, which are smuggled out, as the French manufactures are smuggled in, with the greatest ease.

To the Mediterranean, and all to the South of Cape Finisterre, they have liberty to export rice, and grain of all sorts, without any restraint; by which commerce, Britain is deprived of a market for her wheat, which she would be able to furnish them with, to her own great emolument. By the same opportunities, they export hats and furs in a clandestine manner, to the great hurt of our own manufactures, and emolument of our rivals.

From thence they clandestinely import silks, linen, wines, and other articles of their produce: and as the trade here is of the clandestine sort, and as they sell more than they buy, it is always paid in ready money.

To Britain they export tobacco, iron, tar, pot-ash, a little hemp, some flaxseed, furs, indigo, and rice; for all of which, except the first and last, they receive a very considerable bounty.

From Britain they import what coarse woollen goods they cannot be supplied with from other markets,—some coarse linens, hard-ware of all sorts, to a considerable amount, as these can be ob-

tained no-where else so cheap; a small quantity of tea, and other East India goods, powder, shot, books, &c.; the returns for which are scarce ever sooner than in three years, and often not till seven.

Many readers who have been accustomed to think that Britain furnished every article of cloathing, &c. to every inhabitant in America, and who therefore formed in his own mind a grand idea of the amazing extent of the American trade, will be surprised at this account; and those who have been accustomed to think of it in that manner, will no doubt be prodigiously amazed at the small effect that the stopping of the American trade has produced on our manufactures. The American merchants themselves ought to have known this in some measure before, and should have viewed it as a dangerous experiment, totally to prohibit trade with Britain, lest it should open her eyes as to its insignificance, and force them to trace it to its source. It was an engine in their hands with which they might, by skilful management, have kept ministers in awe; but now the charm is dispelled, and they will soon find that with it their influence will be lost, or they will be compelled to make their trade flow in another channel more advantageous to the parent state.

Thus it appears, that unless it be the tobacco trade, which we have been able to secure intirely to ourselves, all the rest is of little consequence. The northern colonies, instead of taking *all* their manufactures from us, as many think they do, not only manufacture cloth, and linen almost as much as serves themselves, but hats also in great quantities for export, contrary to the laws of our commerce, which is highly prejudicial to the interest of the state; nor do they take almost a single article of manufacture from us that is not furnished cheaper by us than any other nation, and which they would buy from us were their commerce to all the world perfectly free; and, indeed, unless in the article of tobacco, their commerce, in the way they managed it, was intirely free. Was it a wonder if they wished it should be always so? And has not Britain been extremely foolish to pamper, in such a high degree as she has done, the inhabitants of those colonies from which she can derive so little advantage?

Had half the attention that has been bestowed upon the *northern* provinces of America,—had half the money that has been expended there for their encouragement and protection, been judiciously applied in Britain itself, I have no doubt but the nation might have been perhaps twice as powerful as it is at present: But what is past cannot be recalled.—Let us be wiser in time to come.

Such is the nature of that trade, about the immense benefits of which to Britain so very much has been said. By means of it, the French sugar colonies are supplied with lumber, and have their melasses taken off their hands at a very high value, while the British sugar planters are depressed for want of a market* for this commodity, to the very great benefit of our most inveterate rivals, and detriment of this nation.—By this trade, furs, the only branch of commerce that Britain can pretend to have any thing like a monopoly of, are dispersed to various parts of the world, and our hat manufactory of course greatly cramped, in comparison of what it would be.—By means of it also, the French linen and woollen manufactures are greatly encouraged, and those of Scotland and England proportionally depressed, contrary to the interest of the parent state.—In short, the northern colonies have perfect liberty to carry all their products, of any value, directly to those markets that are best adapted to them, without restraint; in every one of which they naturally interfere with the commerce of this island, and, by the manner in which they have hitherto carried on their clandestine trade, prove highly detrimental to the interest of the parent state. In return for which losses, we are possessed of

a languid inconsiderable trade that would quickly have dwindled into nothing of itself, without any prohibitions of the American congress, had things been allowed to go on in their old train.—But this, it is to be hoped, will be prevented.

The reader will take notice I here refer intirely to the northern colonies. The commerce to the southern provinces is more beneficial, and happily it is equally so to the parent state and the colonies; but even this is as yet of far less importance than it might be, or is generally imagined, as it has never yet made any thing like an adequate return to this nation for the expence she has been put to in obtaining it.

The farther I proceed in examining into the merits of this controversy, I find reason to be more and more amazed at the nature of the arguments that have been boldly advanced by the favourers of America. It would seem as if they imagined that all their readers had been dipt in *Lethe's* stream to make them lose the remembrance of all past transactions, or were endowed with such an extraordinary degree of credulity, as to believe any thing that might be told them. It would not appear surprising to me if they should some time take it into their heads to assert, that the sun was a rock of ice, and the moon a piece of silver, or, if they did so, that they would meet with people who would implicitly believe what they had said.

It has been asserted in the house of commons, in the face of the supreme legislative council of the nation; in the faces of those very persons who had given their votes for raising the supplies—that Britain never expended any thing upon America.

“What have we done for them?” says Mr Hartley in the house of commons; “I believe precisely nothing at all, but just keeping watch and ward over their trade, that they should receive nothing but from ourselves, and at our own price. I will not positively say that we have spent nothing, though I do not recollect any such article on your journals, but I mean not any material expence in setting them out as colonists. The royal military government of Nova Scotia cost indeed not a little sum; above 500,000 l. for its plantation, and its first years. Had our other colonies cost any thing similar, either in their out-set

* The reader who is not acquainted with the nature of trade, may perhaps wonder how the Americans can give the French a good price for their melasses, and only give a very poor one to the British planters:—It arises from this circumstance;—the French get in exchange for them hats and furs, articles of very great value to them, although of low price in America. Both parties thus find themselves great gainers by the trade; but these cannot be imported into the British islands, so that although the Americans may give as much money for the melasses as the value of the furs, &c. in their own country would arise to, it is a much lower price to the British than to the French planter.

or support, there would have been something to say on that side; but instead of that, they have been left to themselves for 100 or 150 years, upon the fortune and capital of private adventurers, to encounter every difficulty and danger."

It is hard to say whether our amazement at the ignorance, or indignation at the impudence, of this declaimer should be most excited on perusing the above passage. Persons who form no part of the national council of the state may be, in some measure, excused if they should not fully understand every particular relating to the application of the public revenue: But, for a member of the British senate, whose business it ought to be to search and obtain information in cases of this sort, to be totally unacquainted with the expenditure of the sums (mentioned below *) which have been voted by the house of commons for American support since

its settlement, bespeaks a most shameful degree of indolence, which nothing could apologize for but a modest diffidence arising from conscious demerit.—Instead of which we have here a most pompous harangue, delivered with all the assurance that ought to arise from a perfect knowledge of the facts in question.—Is it a wonder that the ignorant vulgar should be misled, who have hardly any other means of information than the speeches of their representatives—and who, perhaps, do not think it possible for any man to arrive at such a consummate degree of impudence as to be able so shamefully to misrepresent facts, as in the present instance?

In the same declamatory stile he proceeds: "If they make a hat or a piece of steel, an act of parliament calls it a nuisance: a tilting hammer, a steel furnace, must be abated in America as a nuisance. Is it so with their fellow-

* SUMS granted to the several Provinces of North America, for the support of the Civil Government, &c. of each Province from the year 1716 to 1775 inclusive.

New-York forces,	—	—	—	£. 339,055 16 8
Carolina in general,	—	—	—	43,024 9 10 ¹
Georgia, civil and military,	—	—	—	380,920 2 10 ¹
South Carolina, military,	—	—	—	101,524 5 6
Nova Scotia, civil government,	—	—	—	1,358,240 17 6 ¹
East Florida, ditto,	—	—	—	59,300 0 0
West Florida, ditto,	—	—	—	64,324 13 6
America in general, forces,	—	—	—	172,999 0 0
Rewards and compensations, before last war,	—	—	—	235,749 2 10 ¹
Total				£. 2,755,138 8 10

GRANTS in Parliament for Rewards, Encouragement, and Indemnification, to the Provinces in North America, for their Services and Expenses during the last war.

Date of votes.

Feb. 3. 1756.	New England, New-York, and Jersey,	£. 115,000 0 0
May 15. 1757.	North and South Carolina, and Virginia,	50,000 0 0
June 1. 1758.	Massachusetts's Bay and Connecticut,	41,117 17 6 ¹
April 3. 1759.	American colonies in general, for pay and cloathing to their troops,	200,000 0 0
March 13. 1760.	Ditto,	200,000 0 0
	To New-York for expences incurred by them in 1756,	2,977 7 8
Jan. 20. 1761.	Colonies in general, as before	209,000 0 0
Jan. 26. 1762.	Ditto,	133,333 6 8
March 15. 1763.	Ditto	133,333 6 8
April 22. 1770.	New Hampshire forces, in as incurred anno 1658,	6,009 13 3
Total		£. 1,081 771 11 9 ¹

Carried over £. 3,836,910 0 7¹

subjects on this side the Atlantic? Are the hats and cloths of Gloucestershire nuisances?—Are the tilting hammers of Pontipool nuisances? Are the cutleries of Sheffield and Birmingham nuisances? Are the stockings of Nottingham nuisances? Are the linens of Scotland, Ireland, or Broomsgrove, nuisances? Are the woollen cloths of Yorkshire, the crapes of Norwich, or the cottons of Manchester, nuisances?—I speak from facts. I call the books of statutes and journals to witness."

In answer to these queries, in my turn I ask—if the British parliament have declared that pig-iron, the masts, of Massachusetts-bay are nuisances?—If the rice of Carolina is a nuisance?—If the pitch and tar, the hemp, the pot-ash, of all these colonies are nuisances?—or if the indigo of Georgia is a nuisance?—Does not Great Britain pay bounty for encouraging all these manufactures in the colonies?—If, in some instances, she has seen proper to restrain the colonies, in others she has restrained the parent state from the fear of injuring the colonies.—Has not the parliament of Great Britain declared it is a nuisance, if you

will, has she not prohibited the planting tobacco in this island, lest it should have been hurtful to the American trade?—In every well governed kingdom some particular manufactures deserve to be encouraged in one part of the country in preference to another, so as most effectually to promote the good of the whole. This is a conduct that has been followed by Britain, both as to her own internal manufactures and commerce, and with regard to the colonies. Such reasoning as the above is therefore altogether idle and nugatory, and is calculated merely to prejudice the weak, and mislead the ignorant.

In the same stile of misrepresentation he proceeds to speak of the protection our fleet affords to the American commerce. "They are (says he) *our* cargoes, *our* manufactures, *our* commerce, *our* navigation."—Very true. If America be considered as a part of the British dominions, all this is true—because *they*, as well as the inhabitants of Britain, are included under the emphatic term *our*: But when he says, that "every ship from America is bound for Great Britain; none enter into American ports

Brought over

£. 3,836,910 0 7½

An account of Bounties on American Commodities, paid by Great Britain.

On Indigo from 1749 to 1773,	£. 145,022 3 3½
On Hemp and Flax from 1766 to 1772,	5,560 8 7½
On Naval Stores from 1706 to 1774,	1,458,762 11 9
	£. 1,609,345 3 8½

Besides other Bounties granted on Raw Silk, Pipe staves, Hoghead staves, Barrel staves, Pipe, Hoghead, or Barrel Heading.

From the year 1714 to the year 1775, the money voted by parliament for the forces employed in defence of the colonies, amount to

8,779,925 3 11¼

Extraordinary expences for forts, garrisons, ordnance stores, transports, carriages, provisions, &c.

8,779,925 3 11¼

Expences of fleets and naval stations, employed and established in America for its defence,

10,000,000 0 0

Annual presents to the American Indians for abstaining from hostilities against the colonies, and for the cession of lands,

610,000 0 0

Total

£. 34,697,142 10 10½

The reader who is desirous to see the particulars of these expences more minutely stated, may have recourse to the pamphlet intitled, the *Rights of Great Britain asserted*, where he will find full satisfaction.

It deserves to be noted, that the above expence has been almost wholly incurred since the accession of the house of Hanover: What had been expended before that period is not mentioned.

but British ships and men,"—nothing can be more shamefully false; for, exclusive of the tobacco ships, I will venture to assert, that hardly one ship of ten that sail from America is bound for Britain—and nearly as small a proportion of the ships that return are British, or are navigated by British sailors. The course of their trade has been already explained, and needs not be here enlarged upon.

Such is the information that the ignorant derive from the *patriotic* members of both houses of parliament, who seem to have no other design but to perplex the councils of the nation, and mislead the multitude.—Weak, indeed, must be the arguments they have to adduce when they are obliged to have recourse to falsehood and misrepresentation.

A man who is himself cool and unprejudiced; who has considered the respective claims of the parent country and of the colonies with attention, is in some degree astonished at reading many of the arguments that have been produced by the favourers of America in the present contest. One who has a sincere love for liberty—who wishes well to the cause of humanity, and is desirous of promoting the general happiness of mankind, can easily form an idea of certain abuses in the government of these colonies that might deserve to be corrected, and of defects in their political arrangement that might require to be rectified. Had the colonists, with temper and moderation, pointed out these abuses or defects, and showed that they were desirous of having them remedied by such alterations as deliberate wisdom might direct, it is not to be doubted but that all the calm and disinterested part of the nation would have espoused their cause, and have compelled the ministry to comply with their requests, even if they should have been as tyrannical and wicked as they wish to represent them. I can at least answer for myself, that, as far as my influence could have extended, they should in that case have had it: But when they themselves, with an intemperate fury, complain of evils that either do not at all exist, or are merely of their own creating—and when the writers they employ endeavour to perplex the understanding by sophistical arguments and absurd deductions, the man of common sense becomes shocked at the attempt, and their most sincere

wellwishers, if uninfluenced by party or self-interest, are obliged to abandon them as unreasonable political bigots at best.

The writers in favour of the colonies sometimes complain of Britain as having *power* only, and no *right* over the colonies—She is a great and rigorous despot who is able to crush the inhabitants, but not to subdue their spirits. This favours their argument at the time. On another occasion Britain is represented as weak, and utterly incapable to cope with the Americans in arms, who are said to be not only capable of resisting the whole force of Britain, but of all Europe, were they combined against them*. Would to God they had been possessed of a hundredth part of that power twenty years ago, we would have been freed from the expence and trouble of a very bloody war, undertaken solely in their defence.

Perhaps a reverend calculator†, who has become a warm partizan of the Americans, will not be looked upon as an able planner of military operations—and it is possible he would not have gone so far out of his own sphere as to attempt this, had he not had motives for it that are not altogether apparent. However that may be, it is very possible his reputation as a calculator would not have suffered much if he had confined himself to the civil department, and avoided the military line. I am but a novice in this respect as well as himself, and therefore would be content to leave the decision of the matter to the experience of one campaign: But, as the reverend doctor is so fond of making calculations, I shall beg that, in the next edition of his essay, he will favour the world with answers to the following queries.

Supposing the united colonies have 500,000 fighting men, all completely armed, and unanimous in the great cause (for I want to grant him every thing, and am by no means desirous of disputing about trifles), how many men would there be for every mile of frontier?

Supposing these men were placed continually as a guard, and in readiness at all times, how long would it be before they could bring together, at any one

* Yet our present numbers are sufficient to repel all the world.—Common Sense, P. 58.

† Dr Price.

place, a sufficient number of forces to oppose 30,000 of such poultry troops as the British and Hanoverians are, and prevent them from ravaging and destroying their country?

Supposing them capable, in a certain time, to bring forces together in such numbers as to oblige the British troops to retire—how shall they know to what place they are next to go?—and who shall prevent them from ravaging the country the troops that came to oppose them have deserted?

When these 500,000 troops are thus cantoned on the frontiers, who is to cultivate their grounds, to furnish provisions in abundance for them?

Supposing their grounds at their respective homes to be cultivated by old men and women, who is to carry these provisions from thence to the army in all its different marches and counter-marches?

How are they to be supplied with ammunition and cloathing?—How are they to transport their artillery, supposing they have it? How are they to be kept under proper subordination?—How are they to be prevented from disagreeing among themselves?—How are they to be induced to enter into the army?—How prevented from deserting?—and what art will he contrive to give the Americans a perfect confidence in one another?

I might go on at this rate for pages together—but the position he has assumed is in itself so absurd as not to deserve any more serious answer. Perhaps, before this is written, the matter may be in a great measure decided, on which account I think it unnecessary to dwell longer on this head.

But let us suppose that, by a miracle, the Americans should be inspired with perfect confidence of one another at this time; and that the British, by an unaccountable fatality, should be brought to lay down their arms before these all-powerful conquerors—Supposing they should be declared free and independent states, and thus get all their warmest wishes accomplished—what would they gain by this? Happy would it have been for thousands if they had coolly discussed this question before they had proceeded to extremities. But it is not in the midst of seditious harangues that a question of this nature can be fairly debated. We, however, who live at our

ease, at a distance from these tumultuous scenes, may reap some entertainment, as well as instruction, from this discussion; on which account I shall willingly suggest a few hints on that subject.

It plainly appears, from every circumstance relating to the Americans, that they wish to erect themselves into a republican government in the strictest sense of the word: A form of government that must in idea be the most agreeable to the multitude on all occasions, because it presents to their imagination a picture, in which every one thinks he perceives himself a person of great importance—The meanest individual thinks that the state shall be governed by himself—and those of higher rank imagine that they shall become chiefs and rulers of the nation—All are pleased with the idea of their own future aggrandizement, and are intoxicated with the thoughts of their own self-importance.

On this account artful men, who study how to turn the foibles of mankind to their own advantage, have it not in their power to conceal their ambitious designs in any other way under such a plausible colouring as this affords; and, on this account, it may be expected that no capital revolution will ever be effected in the government of any free state, in modern times, but by adopting this plan.

The directors of the American junto seem to be fully aware of this, and have been lucky enough to persuade a great number of people, that a republican form of government would be the most proper for an extensive, thinly inhabited country like theirs—a country that has different provinces, whose climate and natural products are extremely dissimilar—and whose political interests must be ever at variance with one another on almost every occasion.

This is, perhaps, as striking a proof as could be produced of the power of selfish affections over the judgment of mankind; for, were it not for the motives above assigned, there is hardly a person so little skilled in politics as not to be capable of seeing the absolute impossibility of establishing a pure democracy in a country so situated as the continent of North America is at present.

In a very small state, where all the members may be convened together at one time, it may perhaps be possible for

the people to preserve some shew of liberty under a government seemingly democratical, although, even in that case, they are perpetually in danger of becoming the dupes of some artful man, who naturally becomes their tyrant: But, in a large extended state, where the members are necessarily at such a distance from the seat of government as to be totally incapable of controuling those intrusted with authority, it would be as impossible to prevent designing men from assuming despotic power, as it would be to prevent the sun from shining, or the dews of heaven from falling upon the surface of the earth: Parties would soon be formed, whose creatures would have influence to the farthest corners of the state, by means of whom the people might be cajoled for some time with a shew of self-government, while they were in fact the most abject slaves that could exist—till their spirits became so broken, and themselves so enervated, as to wish for one ruler, who might then assume the reins, and become a legal despot over a set of enervated slaves.

Such is the natural and unavoidable end of every large state where the supreme power is vested ultimately in the people, even when moderated by the controuling power of a senate—Such was the end of mighty Rome herself—But a democracy formed to the wishes of the people, where there would necessarily be no higher power to moderate their plan of ideal liberty, could hardly exist one moment—All must be anarchy, which unavoidably ends in despotism.

But let us for a moment suppose that another miracle should be worked in favour of the Americans; and that no ambitious man should appear among them for some time; that the several members of their grand congress should be elected without undue influence or cabal; and that they should meet with a sincere desire in each to promote the interest of the country in the highest degree—Is it not certain that the members of each colony would naturally wish to promote the interests of that colony in a very high degree?—It would then be found that the interests of the different colonies were totally incompatible with one another—The northern colonists would soon discover that they could not well subsist without carrying on manufactures—nor could these be

established among them without obliging the southern colonies to purchase these from them—The southern colonies, on the contrary, would also find it was much more for their interest to trade with some of the northern European states, who would purchase *all* the native commodities they should be able to rear, and give them in exchange manufactures at half the price they could be afforded for by their sister colonists.—How shall these mutual claims be adjusted?—The most numerous party in that grand congress must carry their point—In that case the southern provinces become to be outvoted—They become discontented—Disputes rise higher still—The two parties come to look upon one another as enemies—In imposing taxes each wishes to throw the burden on the other. The southern colonies are here again outvoted, and must again submit.

In the mean time the northern provinces flourish abundantly—Those to the south must take their wheat from them, or raise it for themselves instead of more valuable products—The northern colonists become fishermen—they build ships—the whole trade of that continent is carried on with their mariners in their ships—They become a hardy race of people, while those to the south, from the influence of climate, &c. become languid and weak—They feel themselves oppressed, and complain, but without obtaining redress—They at length have recourse to arms—but, alas! what can a feeble enervated people do in opposition to an enemy more numerous, more hardy, more rich, more powerful by sea and by land—They are quickly subdued by force of arms, and are reduced to the state of a conquered province—a province too under the most unfortunate circumstances—perpetually subjected to the will of a rival, whose interest it is to load them with every burden they can possibly be made to bear—a rival who has ever showed the strongest inclination to be intolerant in religion, oppressive in politics, and unjust in mercantile affairs; for such, it is believed, all the other colonies will acknowledge to be the character of that province which takes the lead at present, and would of necessity preserve it in all time to come, should the above event take place.

Thus, Sir, I hope I have showed that

the present war on the part of Britain is a just, necessary, and even humane war; and on the part of America in general a wild and foolish exertion of inconsiderate persons, who are led, by the artifice of a few designing men, to pursue a plan of operations, which, if successful, may be productive of the highest misery to themselves.—That they may soon see these things in a proper light, and pursue that plan of conduct that would most effectually conduce to their own real happiness; and that, when these disturbances shall subside, Britain may adopt such measures, with regard to the colonies, as shall most effectually tend to promote the real felicity of all the inhabitants, and guard against future disturbances, by placing them in such circumstances as may make it the interest of every individual to pursue those measures that may equally conduce to their own aggrandizement, and that of the parent state, rather than to attempt to keep them in subjection by the cruel and unavailing power of compulsory laws, is the fervent prayer of their sincere well-wisher,

TIMOLEON.

POSTSCRIPT.

I HAVE read, with some degree of attention, the pamphlet intitled *Common Sense*—a pamphlet which might be intirely sufficient to open the eyes of Great Britain, as to the real designs of the leaders of the American junto. It ought even to open the eyes of the colonists themselves, had they the smallest share of cool moderation left.

This pamphlet is evidently written by a man ill at ease in his own mind; one who has gone too far to hope that any good will accrue to himself from a reconciliation between Great Britain and the colonies; one who has no gleam of hope but from a separation, and therefore he strains every nerve to persuade his countrymen to go forward, and sticks at no assertions, however bold, where they can serve his turn. "Our present force is sufficient to repel the force of all the world (a). Were the number of inhabitants in America increased, had they a greater number of sea-port towns, and consequently more seamen, things would be worse than at present (b). A ship

may be as well navigated with nine-tenths of its navigators landmen, and only one-tenth seamen, as if the whole had been bred to naval affairs (c). "In almost every article of defence we abound. Hemp flourishes even to rankness." *Why then do they need the premiums from Great Britain to induce them to rear it?* "Our iron is superior to that of other countries." *Is it not well known, that American iron is so very brittle, that notwithstanding all the efforts of Britain, she has never been able to get it to an equality with Russian, far less with Swedish iron?* "Our small arms equal to any in the world." *This follows well after the other. It is well known, that brittle iron never can make tolerable small arms.* "Cannon we can cast at pleasure." *This is perhaps the only true article in the account, but it is much sooner said than done.* "Salt-petre and gun-powder we are every day producing." *This has been asserted by an American governor already, but is well known to be a falsehood; America never produced as much salt-petre as would serve to manufacture powder for one field-day of the continental, or even British army; as a proof of which they offer almost 200 per cent. advance on the price of the article gun-powder to those who will import it to them.* "Our knowledge is hourly improving. Resolution is our inherent character, and courage hath never yet forsaken us." *Where was it when the great Washington, and his brave provincials, scampered off, and left poor Gage and his dastardly British troops to bring off the body of Braddock? What became of it in the late precipitate retreat before a handful of British troops in Canada?* "Wherefore, what is it we want? Why is it that we hesitate? From Britain we can expect nothing but ruin (d)." *Such is the language, such are the assertions of this man of Common Sense.*

It has been a master-stroke in the politics of all leaders of sedition, to prevail with their party to commit some daring act of barbarity, so as to deprive them of all hopes of obtaining a pardon from those they have offended. These leaders of America have endeavoured to inflame the multitude to do that; but the moderation of Britain has almost put it out of their power. Although our gracious sovereign has acted with a degree of moderation in the present case that can scarce be paralleled, yet the trun: peter

(a) p. 58. (b) p. 59.

(c) p. 63. (d) p. 67.

of sedition represents him as the vilest miscreant that ever appeared on the face of the earth: "And as he (that is the king of Britain) hath shewed himself *such an inveterate enemy to liberty, and discovered such a thirst of arbitrary power*, is he, or is he not, a proper man to say to these colonies, You shall make no laws but what I please (e)?"—The king's speech at the opening of the last session of parliament, which must yet be fresh in the memory of every one of my readers, is stigmatized in the following terms: "The king's speech, as being a piece of *finished villainy*, deserved, and still deserves a general execration both by the congress and people (f)."—And again, "The speech, if it may be called one, is nothing better than a wilful audacious libel against the truth, the common good, and the existence of mankind, and is a formal and pompous method of offering up human sacrifices to the pride of tyrants. But this general massacre of mankind is one of the privileges, and the certain consequences of kings (g)." "*Brutality and tyranny* appear on the face of it (the king's speech). It leaves us at no loss; and every line convinces, even in the moment of reading, *that he who hunts the woods for prey, the naked and untutored Indian, is less a savage than the king of Britain* (h)."

I ask any man, endued with the least portion of common sense, what reasonable proposition can be expected to come from a mind so distempered as must be that of the man who can bring himself to write in this strain? Yet such are the moderate, mild, and rational leaders of that splenetic band who sway the American continent at present.

After having roused the multitude to madness by such seditious harangues as these, to commit the most daring outrages on those who were disposed to remain peaceable subjects of government, and instigated them to a rebellion that must of necessity be quelled by force of arms, he attributes all the distresses that have ensued to Great Britain; from whence he infers, that deadly hate must, and ought to be the perpetual feelings of America towards her.

Speaking to those who have still a desire to have matters accommodated with Britain, he says, "But, if you say you

can still pass the violations over, then I ask, Hath your house been burnt? Hath your property been destroyed before your face? Are your wife and children destitute of a bed to lie on, or bread to live on? Have you lost a parent or a child by their hands, and yourself the ruined and wretched survivor? If you have not, then are you not a judge of those who have: but if you have, and can still shake hands with the murderers, then are you unworthy the name of husband, father, friend, or lover; and, whatever may be your rank or title in life, you have the heart of a coward, and the spirit of a sycophant (i)."

Those who are at a loss for argument usually endeavour to pervert the judgment, by inflaming the passions, and the authors of all the calamities in America do well to divert the attention of their countrymen from *themselves* to Great Britain. They have raised a combustion, hoping that, in the general confusion, some good may result to themselves: They cannot but foresee, that if their countrymen should once become sensible of the real authors of these distresses, they would certainly be undone. It is therefore wise in them, it is absolutely necessary, that they should divert their attention to another object. Is it not a common thing for a thief, when hard beset, to bawl out, *Hold the thief!* and thus make himself be lost sight of, while the attention of others are diverted to a different object? On this account the writer of this pamphlet dwells much on this topic, and frequently returns to it: "Thousands," says he, "are already ruined by *British barbarity*; thousands more will probably suffer the same fate," (witness the inhabitants of Norfolk in Virginia, whose houses were burnt by the rebels.) "Those men have other feelings than we who have nothing suffered. All they now possess is liberty; what they before enjoyed is sacrificed to its service, and having nothing more to lose, they disdain submission (k)." "Ye that tell us of harmony and reconciliation, can ye restore to us the time that is past? Can you give to prostitution its former innocence? Neither can ye reconcile Britain and America. The last cord is now broken; the people of England are presenting addresses against us,

(e) p. 46. (f) p. 76. (g) p. 77. (h) p. 77.

(i) p. 47. (k) p. 49.

These are injuries which Nature cannot forgive; she would cease to be Nature if she did. As well can the lover forgive the ravisher of his mistress, as the continent forgive the murders of Britain (l)."

"The rubicon is passed (m)."

In this manner would the man whose guilty mind tells him that he has no room to hope for pardon, persuade others to become as desperate as himself, and plunge deeper and deeper still into that guilty scene in which they are now involved. His own desperate situation most frequently recurs to his mind. "It is easy," says he, "getting into holes and talking of reconciliation; but do such men put themselves in the place of the sufferer, whose all is already gone (n). Aye! here the shoe pinches, indeed! Such a sufferer has nothing to hope for from a reconciliation, and therefore it is not surprising if he should bawl out against it as loud as he can; but is it prudent in those who have nothing to lose to venture their all for his service?"

In the whole of this pamphlet, I find but one good reason advanced for the Americans persevering in their present plan of a total separation from Great Britain, which is, that, by robbing the king of the unoccupied lands of the back settlements, and appropriating to themselves the quit-rents arising from these, they will be enabled to pay their debts, and maintain the expence of their civil government. He recurs to this in various parts of his essay.—"Another

reason," says he, "why the present time is preferable to all others, is, that the fewer our numbers are, the more land there is yet unoccupied, which, instead of being lavished by the king on his worthless dependants, may be applied, not only to the discharge of the present debt, but to the constant support of government (o)."—"It is by the sale of those lands that the debt may be sunk without burden to any; and the quit-rent reserved thereon will always lessen, and in time will wholly support the yearly expence of government. It matters not how long the debt is in paying, so as that the lands, when sold, be applied to the discharge of it; and for the execution of which the congress for the time being will be the continental trustees (p)."

Such are the arguments, I doubt not, that are employed by too many of the inhabitants of Britain, who find themselves unable to live as they wish upon their own property, and therefore resolve to appropriate to themselves the property of another—But these arguments will be found to avail them little in a court of justice. It may be *common sense* in the people of America to endeavour to rob Britain of her property—but it would surely indicate a great want of common sense in the people of this country, should they approve of her design of deliberate robbery.

- TIMOLEON.

(l) p. 57. (m) p. 58. (n) p. 85.

(o) p. 67. (p) p. 82.

E R R A T A.

- P. 20. C. 2. L. 26. *for* corruption, *if*, *read* corruption. If
 P. 27. C. 1. L. 5. *a fine*, *for* who, *read* that they.
 P. 29. C. 2. L. 11. *a fine*, *for* severest, *read* several.
 P. 30. C. 2. L. 26. *for* not the, *read* out the.
 P. 33. C. 2. L. 13. *a fine*, *for* discernible, *read* desirable.